

A MEMORIAL FROM THE ENGLISH PROTESTANTS, FOR THEIR HIGHNESSES, THE Prince and Princess OF ORANGE.

IT cannot be unknown to Your Highness, that the Protestants of England, that are faithful to the Principles and Doctrines of their Religion, and to the just Established legal Government, are in diverse kinds most intolerably vexed and oppressed by the Popish Contrivances and Practices, covered with the pretences and name of Authority.

First (*) Illegal things are daily imposed upon them, in their several Stations and Places, which they are convinc'd in their Conscience, can never be justified unto God or the Kingdom, and yet they are pressed upon them (without regard to their Conscience) by taking of their Offices and Employments, and many other threatened Effects of the Kings displeasure.

(*) The instances heresof are too many to be recited; but some thereof are these viz.

1. Most of the Protestants are pressed to declare for a Repeal of all the Laws made for the Reformation of our Religion and its settlement.

2. All the Subjects are forced to submit to Serve and Obey those that

were lawful Judges, Sheriffs, Justices of the Peace, Mayors, Lords Lieutenants, and other Commanders, and all are Tortured, Fined and Prosecuted, (as the Lord Lovelace now is) that dare but say that such have no lawful Authority.

3. And the Subjects are demanded to suffer all the Aliens and Offenders of their Lives, and the secrets of their Hearts to be searched into, and their chief Interests and many of their Free holds to be judged by the discretion of a few of the Kings Creatures, called, his Commissioners for Ecclesiastical Affairs, whose Commission is, to proceed without and against the Rules of our Laws, with a non obstante to all other Laws, and every man is required to assist their Arbitrary Powers on pain of their

their Conferences, which extend to imprisonment for Life. 4. All our Ministers are required under grievous menaced Penalties to be the Kings Cryers, to proclaim in the Churches the Kings power, to suspend at once the force and use of all our Penal Laws made in 400 Years past to secure the Rights of the Crown, the Freedoms and Properties of the Realm, and the profession of the Protestant Religion. 5. All the Protestants are forced by fear of the Kings wrath, to suffer the Rights of the Crown and the freedom of the Realm against Forraign Powers and Laws, to be publicly denied, and the force of Forraign Laws over them to be maintained, they are enjoined by the King to neglect their sworn duties to God, to the Crown and Kingdom, of prosecuting at Law those Treasons which they know and see to be daily committed, for which no excuse can be made by pretence of Liberty of Conscience in Christs Religion. 6. The Constables and other Officers throughout the Realm are forced to quarter Irish and Scots and other mercenary Souldiers in their Neighbourhoods against their wills, in contempt of the Ancient Laws and the express Words of the late Statutes. 7. All the Gentlemen and Free holders are pressed to renounce their Native and Legal freedom in their choice of members for Parliament. 8. The Free-men of the Cities, and Towns, are urged to yield up to the Kings will the Tenure of their Magistracies, and all their free Customs and Priviledges. 9. All the People are forced by fear of Punishments, to suffer a Child to be declared Heir apparent of the Crown, which ought not by the known Laws of the Kingdom to have been acknowledged, until lawful birthrights of his Birth of the Queen had been duly published to the Kingdom, as was necessary in this case, wherein publick fame makes him a Counterfeit. Yet to their shame and grief, the People are forced to seem in their publick prayers to present him to God, as their Prince, and dare not ask who are the witnesses of his Birth. 10. Many of their Juries are pressed to bind their Neighbour Criminals, who in their Consciences they think them innocent, as is notorious (amongst many other instances) in the case of those that made innocent expressions of their joy for the Justice that was done to the Bishops; and many are forced to submit to be tryed in matters about the loss of their Estates, by Fines and their Lives also, by Juries returned, by secret Contrivances and Nominations contrary to the direction of our Laws, being neither of the most sufficient nor most indifferent of the nearest Neighbours to the Facts in question, by Sheriffs sworn as the Law require, whereby the course of the Kingdoms Justice is perverted, and the Legal Government subverted.

• All these Instances are too well known to be denied by our Admirables.

That many of their Legal Liberties, Benefits, and Means of subsistence in their Churches and Colleged, are taken from them by meer Will and Pleasure.

(A) and Persecutions by Arbitrary Commissioners. Viz. (A) The Peak of the Lord Bishop of London suspended. Of without their Guilt of the least Offence or Transgression against Doctor Præbitch Vice-Chancellor of Cambridge, and Master of Pembroke-Hall deposed, of Doctor Hough, and 26. Fellows of Magdalen Colledge Oxford, besides the Demyes ousted from their Freehold and lively hood, and Decried incapable of any other Prejement, only for keeping to the Law, the Statute of their Colledge and Oath. The Suspension of near 100 Ministers in the County of Durham, for refusing to read to their People the Kings Declaration in dissolving with our Laws. (B) Viz. The Summons of the Commissioners for Ecclesiastical Affairs to the Chancellors, Gommalities and Arch-Deacons of the Dioceses, of most of the Bishops to sign the Names of all the Ministers that did not read the Kings Declaration, wherein they transgressed no Laws Ecclesiastical or Civil.

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That they are debarred and spoiled of the due free (C) (C) The City of London and all Election of their Magistrats and Officers in their Cities and the Cities and Towns, Corporate of Towns, and pretended Officers and Magistrats are imposed upon, the Kingdom are had instances of their, on them and turned out, and punishat the Kings absolute will, the King alone, setting up whom he as they are found ready to comply with and serve the Popula pleases to have the Names, and use the Powers of their, formerly chosen Magistrats.

That several of the Bodies Politick of their Cities and Towns are declared to be dissolved at the Kings

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Kings

Kings Pleasure (to terrifie and subjugate the minds of all the rest) and the *Citizens and Burgeses* are thereby *Disfranchised*, (D) and Divested of all their good *Customs, Freedoms and Priviledges*, If they cannot in Conscience comply with *Illegal Commands*, and will not treacherously surrender their legal Rights and Priviledges unto the *Kings Will*, whereby he assumes to dispose of the Subjects Legal Interests at his Will, as if the Subjects had no Property,

That the Legal Securities provided by the Kings and Kingdom In Parliament against the dangers of their Religion and Liberties are by the Kings Absolute Command thrown aside, and made (B) useless, by pretence of his Power to dispence, with those Penal Laws notwithstanding the Subjects Right in them, for the protection and safety of their Religion, Liberties, and Lives, whereby the very Foundation of all the Subjects Rights and Properties is undermined and shaken, and a New claim is set up and maintained, that the Subjects have no Right, Property, or Security against the Will and Pleasure of their Kings.

Church of Rome; and the King hath declared that none of them shall at any time hereafter be put in execution.

That by colour of such a *Dispensing Power* the truth of the Kingdoms Defence and Safety by Military Powers, are put into such hands as are made (E) incapable of them by many express Laws of the Kings and Kingdoms In Parliament, which justly give the Protestants sad apprehensions of imminent dangers, seeing themselves put into the Power of those that publicly profess to be in union and Communions with the Church of Rome, that openly declares themselves to be the mortal Enemies to all Protestants, and that they are bound upon Peril of their Salvation, to seek their Destruction, if they shall continue constant to the Protestant Profession.

That contrary to the express Laws of the (G) Realm lately declared in Parliament, an Army of Papists and Mercenaries is maintained and dispersed through the Kingdom In full Peace, to the great Disquiet and Terror of the Protestants, and they are in diverse ways constrained to receive these Souldiers into their Houses to sojourn there against their Wills, whereby they are deprived of their Peace and Security in their Families, and of their Converse with their Neighbours and Friends, and of the advantages they might make in their wayes of living.

That the King hath barred and forbidden the execution of the Antient Law of the Realm, against diverse sorts of Treasons and other most hainous Crimes; and all the Statutes now known to have been made from age to age for 500 Years past, in relation to the Popes and Romish

(D) So the King hath done to the ancient Cities of Oxford, Winchester, and the Borough of Totnell, who threatens to do the same to the great City of Norwich, as

(E) The late Statutes of 25 and 30 of Car. 2. were made expressly for the Protestant Security, so were those of 5. El: 1, 13, El: 2 23. El: 1. 27. El: 2. 1. Jac. 5. Jac: 1 and the Stat: 25, H: 8. 19, 20, 21. and many ancient Stat: of Ed: 1. Ed: 2. Ed: 3. Ric: 2. and other Kings were made to secure the People from the apprehensions of the

(F) 'Tis known all the professed Papists are by the Stat. of El: Jac. 1. and Car: 2. made incapable of holding any Trust or Powers in the Kingdom, and that the King hath placed the most of them in their hands.

(G) See the Pet. of Right 3. Car. and the late Statutes Car. 2. that declare the dispersing of Souldiers into the Countrey and the quartering them in Subjects Houses, to be against the Laws and Customes of the Realm, and its demanded and Enacted as the Peoples Right that they shall never be so burdened by Souldiers.

(4)
 priests: (H.) Powers and Practices are suspended, tho' the Experience of the Popish in all those Ages shew'd those Precepts and Practices to be so mischievous and dangerous, that they often complain'd in Parliament, they feared the (I.) Destruction of the Kingdom by them.

Cannons to be above our Laws, or to take his Dispensation of obedience to them.

(1) See the Statutes 35. Ed: 1. 25. Ed: 3 27: Ed: 3. 16. Rl: 2 5.

His Majesty also so controls the Courts of Law in the Courts wherein Justice ought to be administered, that the Judges (tho' they have highly served the Popish Designs) are ousted out of their Places, Honours and Pensions. If they dare but suffer the Laws justly to acquit those whom the King would have condemned, as appears (amongst diverse other Instances) by his late displacing Judge *Hallway* and Judge *Forryll*, upon the Legal Acquittal of the seven Bishops.

We need not shew to your Highness more particular Instances of our Oppression, since 'tis notorious, that there is a publick attempt authorized by the King to subvert the very Foundation of the whole Civil Legal Government of the Kingdom, that is, the Peoples Free Election (in the Customary Established Course by Counties, Cities and Burroughs,) of their Deputies to Aſſeſſe and Consent for them in Parliament unto all Laws to be made and repealed,

The truly Noble Monarchy was founded on equal Freedom; and the Civil Government of England was always of right truly free, (K) because no Laws or Authorities ever bound the Persons and Properties of the Kingdom, save only these, wherein the Kings and all the Subjects freely agreed, every Subjects free, (L) consent being deemed by, our Laws to be given personally, as by his Deparates to the Enacting and Repealing of every Law.

(K) See 24. H: 8. 12. 25. H: 1. 'Tis declared that the Realm is free and subject to no Laws but by their own consent, and that the King and Parliament representing the whole State of the Realm have the power to Dispense with the Laws as they shall see occasion.

(L) See the Statutes 1 Jac: 1. 8.

Therefore the Statutes of old in affirmance of the common Customs of England, declared that Elections should be free (M) from all interruptions and interpositions by the King or the Pope, and the Kings have bound themselves by the Statutes, no way to disturb any Election in making their free Elections.

(M) See Stat. 1. 3. Ed: 7. The common Law is there declared, and the King bindeth himself not to disturb any Elections to make free.

Elections, See Car: 2. Parl. See 7 H: 4. 15. 6. H: 6. 4. 9. H: 4. 8.

No Commands, Promises, or Threats, no Prayers nor Solicitations ought to be made unto the Elections by the King or Pope, or any others: the Peoples Deputies (say the Lawyers) are to be chosen freely, and Indifferently, without pre-engagement of the Pleasurs, or fear of displeasing the King, and without promises of Favour or Rewards to them. They are to be indifferent at the Time and Place of Election, and in such manner to proceed, notwithstanding any Request or Command to the contrary, otherwise the Elections are void and null.

But we cannot remember the various kind of Attempts and Practices to overturn this Foundation of our Government.

There

There have been infinite Endeavors and Artifices openly used, to destroy the *Customs, Priviledges, Charters, and Government* of all the *Cities and Towns*, by whom four parts in five of the *Members of the Common in Parliament* are to be chosen by the *Custom of England*; and to bring all these *Bodies politicke*, and all their *Magistrats and Officers* to be dependant on the *Kings Will*, and to be obliged as his *Creatures* (not the *Cities and Towns* trustees) to serve His *Popish and Arbitrary Designs*, or to be turned out of their places at His pleasure, and such as are either *Papists*, or more *Ignorant and Corrupt* put into their Places.

It is known to all, that for this purpose, to destroy our Government under colour of Law, there have been *Writs of Quo Warranto* brought by the *King*, against most of the *Cities and Boroughs* of the Kingdom, those were seconded by *Instruments* appointed to terrifie the *Magistrats* of the *Cities and Towns* with the *Kings severe Displeasure*, if they dared to insist upon their *Legal Rights* and contest with the *King at Law*, to fright them with the intolerable charge, that their legal Defence would cost them more than they could bear, and holdly affirming that they could not hope to maintain their *Customs, Priviledges and Charters* against the *King*, since he was resolved to have them at His Command; then they tempted them with *Promises of new Charters*, if they would comply and surrender their *Old Liberties* into the *Kings Hands*, and pretended that the Names of all that refused it must be returned to the *Kings Attorney General*.

It is well known, that *Judges* were prepared to damn the Pleas of all such *Cities and Towns* as would stand upon their Rights, and plead to the *Quo Warranto*, as the *Magistrats* of London resolved to do, their *Common Council* refusing to surrender their *Liberties*, notwithstanding all Commands, Terrors and Intreaties that were used to them, they knew it was not in their Power to betray their City, nor in the *Kings* power to receive unto himself these *Customs, Powers and Priviledges* which the *Great Charter* and the *Common Law* had given them. But such *Judges* as would not judge such *Ancient Body politicke* (that had holden their *Customs* above 1000 years) to be dissolved, were turned out; and all the *Freedomes and Principles* due to the *Citizens* and their *Heirs*, and to the City and their Successors, were declared by the *Judges* to be Forfeited; His now *Majesties* *Instruments* thereby preparing His way (under the shadow of the late *King*) to destroy the Government of all other *Cities and Towns*, by frightening them into surrenders, or make a *President* for Judgment against them, and it hath taken such Effect, that the Term of almost all those *Bodies Politick* is illegally changed, and the *Cities and Towns* brought to such a forlorn Estate, that they have no *Magistrats or Officers* but at the *Kings Will*, and during His Pleasure.

As there is an actual subversion of the Freedom of the Government of the *Cities and Towns*, the Tenure of their *Magistrats*, and their free *Customs* being utterly destroyed, and those that now Exercise the *Magistracies* therein being incapable to choose freely, and Indifferently, and to return legally *Members for Parliament*, so there are continual attempts upon the personal Freedom and Indifferency of all the *Electors for Parliament* throughout the Kingdom.

His Majesty has personally solicited, and attached so many of them by His smiles and frowns in secret, to accept of such for their Deputies in *Parliament* as will comply with

His

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His Designs, that His *Cloſing* (N) Electors, is become a *By-word* amongst the People: He has made them conſent to be barr'd of their Freedom in Electing for Parliament, and in Voting therein, if they be choſen, to be a Teſt of their Fidelity to thoſe their Offices and Im-
plements of Profit and Truſt, and to have place in the
Magiſtracy,

The three Questions to that purpose, are known to all, which His Majesties Ministers required to be answered by the Justices of the Peace and all other Officers,

The Lords *Vicereigns* of all the Counties by the Kings Special Command, have Summoned the chief Officers and Gentlemen in His Majesties Name, to ſtature or conſider of them out of the uſe of their Freedom in Electing for Parliament, and marks of the Kings Diſpleaſure have been put upon thoſe that reſolved to keep their Freedom, and indifference to Elect worthy and fit Deputies according to their Judgments and Con-
ſciences.

An unheard of ſort of Commissioners as to their Qualities and Inſtructions, are lately ſent from His Majesty throughout England, to divide or ſplit the Electors into a choiſe of ſuch Members for a Convention (as be called a Parliament) as will ingage to ſerve His Deſigns of abolishing all thoſe Ancient Laws and Teſts that are the only Humane Securities of the free Profeſſion of our Religion, and the cleareſt Authoritative Declarations of the Rights of the Crown and the Liberties of the People.

There need nor be plain Proofs, that the Axe is lay'd to the Root of our Civil Government, as the moſt certain way to introduce the Laws and Religion of Rome. Nor to convince the whole World in this matter: His Majesty has publiſhed a ſecond (O) Declaration, wherein he has poſitively declared His Mjnd, that none ought to be employed under Him in the Kingdom, who will not contribute to theſe His Deſigns; and chooſe ſuch Members of Parliament as may do their part to finiſh what he has begun. He has pronounced all that ſhall reſuſe it, to be neither Good Chriſtians nor Lovers of their Countries Wealth and Power; and he Declares, that He has begun His intended form of Government ſutable to thoſe principles, having turned out by his Absolute Will many Civil and Military Officers throughout the Kingdom in purſuance of this great Work.

It is put out of diſpute, that His Majesty thinks he ought not to ſuffer any Free Election for parliament, while there are ſuch numbers of Faithful proteſtants to Conſent to the Elections, who cannot in Conſcience contribute to the Work He has begun; That is, upon pretence of Liberty of Conſcience to allow His Majesty to ſurrender unto the pope the Rights and Freedom of the Crown and the Kingdom, or to acknowledge, that the people of England ought by the Laws of GOD and CHRIST to be ſubjected to the Church of Roms Laws and Jurifdictions in their perſon, and great part of their Eſtates, That the pope and his Priests and Canonists ſhould Judge them by their Canons in the lawſuſſes of their Marriages and Contracts, and legitimate or baſtard their Heirs as they pleaſe, that the diſpoſal of their Goods and Chatties by their Laſt wills, their Debts about Tythes, and their Good Names and Bodies on pretence of penances, ſhould be in their power and Will.

(N) Note that the Kings practice of Cloſing Members of Parliament, was the ſame as it is now for Electors.

(O) See the Kings Second Declaration for Liberty of Conſcience, April 27. 1688.

This is the Work begun by His Majesty, which Dishonours and Debaſes the *English Imperial Crown*, and ſubverts the Native Freedom and the civil properties and Interests of *English Men*.

Thoſe are the proper Matters and Occaſions of moſt of our *penal Laws* in matters *Eccleſiaſtical*, to prevent the Fraud and Danger of Holy pretences for ſuch *Almighty* attempts againſt our natural and civil properties.

Our *penal Laws* are to puniſh Offences againſt the Civil Government and *Human* Society, tho' they be about matters *Eccleſiaſtical*, the Subjects of England cannot pretend to be exempted from them, becauſe of their Conſciences; many otherwiſe ſhould may wickedly claim to be free from the *penal Laws* againſt *Fellonies* and *Murders*, if they ſhall plead that they Robbed or Killed according to their Conſciences.

His Majesties avowed Intent and Endeavours are to free the *English* of *Rome* priests and *papiſts* from the puniſhments and dangers of theſe our *Penal Laws*, againſt ſuch manifold Attempts, upon the Freedom, Rights, and properties of the *Realm*; that His new Erected *papiſh Colledges*, His *Convents* of *Monks*, His *four provincial Biſhops*, and His numerous *prieſts*, may be authorized by him without ſcruple of *Law*, to maintain the *Church of Rome* Canons to be of greater Authority than the *Laws* of the *Realm*, to declare all the power of Magiſtracy in *proteſtants* hands to be unlawful, and all Right and Title to their Eſtates forfeited to *papiſts*, by their being *proteſtants*, to owne and juſtifie Diſpenſations from *Rome*, with their Obedience to all ſuch *Laws* of the *Realm*, as the pope and His *prieſts* diſlike, and profreſſedly to hold Communion with the *Church of Rome*, the *French King*, and all *Foreign papiſts*, that declare themſelves Mortal Enemies to the Religion and power of the *proteſtants*, to contrive with them the Suppreſſion or Extirpation of them out of the *Realm*.

This work, his Majesty hath ſo far begun, that he hath ſuſpended, and ſtopped the Execution of the *Penal Laws* againſt all theſe *High Crimes*, ſome whereof the ancient *papiſts* of this Kingdoms made *Capital*; and he declares all ſuch *Proteſtants* as will not ſwear to ſuſtain it, not to be qualified as *Chriſtians* or *Engliſhmen* for any *Employment* in the *Kingdom*, and therefore leaſt of all to be members of *Parliament*. Herby His Majesty attempts to Conſtrain the *Electors* in their Choice to ſo ſmall a party, that he allows them not the choiſe of one of forty, whom our *Laws* make capable of being *Electors* for *Parliament*, the Number is ſo ſmall (*profeſſed Papiſts* excepted,) out of which his will is to have members of *Parliament* choſen, that our *Laws* will judge it no choiſe, if he can impoſe his will upon the *Kingdom*, as he hath declared it.

Herby *our* *Highneſſes* may be ſatisfied, that our caſe is deplorable, it ſeems not ſufficient for our *papiſh Enemies* to ſeek the abolition of all our *Ancient Penal Laws*, that are not a greivable to thoſe new invented Doctrines, and pernicious Practices of the preſent *Church of Rome*, which the *Penal Statutes* ſhew to have been abhorred by our ancient *Engliſh* *Papiſts*, but their deſign is to deſtroy the Conſtitution and Form of the free Government of the *Kingdom*, from whence aroſe all thoſe *Penal Laws* againſt their Churches proud Domination, and their Uſurpation of the Rights of the *Crown*, and the whole *Realm*.

P See the grievous complaints of the Commons in 25 Ed. 3. 4. proviſos and 6. Ric. 2. 5. 27. E. 3.

They know by our *Hitories* and *Records*, that the free *Parliament* always made the Complaints

Complainers from age to age against their pernicious Claims of power over our Kings, our Laws, our Courts of Judicature, and their Judgements; and against their Exactions, Impositions, Frauds and Delusions of the people, with their Superstitious Pelly, whereby they gained a very third part of the Revenues of *Q See the Parliament Roll H. 4. 1. H. 5.*
England; and threw so much Money to Rome, that they
Impoverished, and almost Ruined the Kingdom.

They are sensible that they have been able to influence the Pope and Priests: several of the greatest English Kings, that they could prevail with the King for Licences and Pardons on them, to manifest the Laws that the Parliament made to preserve the Subjects Rights and Properties, and that the Parliament only caused new Laws to be made for declaring such (1) Licences *Q See the Stat. 1. H. 5. Stat. 1. H. 6.*
Dispenlations and Pardons, of the Kings Void and Null.

They know that they have performed several of the Kings, that the Pope could absolve them from all obligation by the Laws and from Agreements, Promises, and Oaths to their Kingdom; (6) to maintain their great Charters, and all their Laws and Liberties; and that they prevailed upon one of them to resign the (1) Kingdom entirely to the Pope, and to hold it of him by *S. so the Pope absolved H. 2. and Ed. 1. from their Oath to keep the great Charter.*
fealty; and they understood that the People, in free Parliament only made and declared all such Dispenlations and Resignations Void and Null, and justly required those Kings to renew their Oaths to the Kingdom to preserve their Liberties; and scorned (with indignation) the Popes demands of his Pretended Rent for the Kingdom, declaring that their Kings had no such Patrimonial Right in the Kingdom, to subject it to any powers on Earth. *7. King John made.*
V See the Roll. part. 40. Ed. 3. Ann. 8. Roll. Chant. 3. Ed. 4. rolls K. Johns Charter and grant to the Pope who off Mansu-
and forceless Charter; *Stat. 1. H. 5.*

They cannot hope that a freely chosen Representative of this Kingdom can suffer such a delusion to be put upon them, to be persuaded that the Christian Liberty of Conscience requires them either to allow the Foreign Romish Laws, or Pardons to contest for Power and Place with the Laws of England, or to suffer any of the Subjects of England openly to profess Themselves, their Persons, Marriages or Estates, to be subject to any Foreigners Jurisdiction, or to depend on their Authority, Offices, and Sanctions, and the Exercise of them for their Eternal Salvation (which is in truth to renounce their subjection to England) or to own and avow to have the nearest Union and Communion with Foreigners, that openly profess themselves mortal Enemies to more than a hundred to one of the whole Realm, and to be bound in Conscience, to seek their Suppression or Destruction.

They cannot think that a free English Parliament should not always know, that no Doctrines of Jesus Christ ever destroyed, or changed the Natural and Civil Right of any Person or Nation, or allowed that any part of the People of a free Country should correspond with, or depend upon the declared Enemy of the far greatest part of it, they have therefore resolved to overturn the very foundations of our Civil Government, the Peoples free Choice of their Deputies for Parliaments; that there may never be a free Parliament more in the Kingdom, which is a Plot much worse than their Sun-poster Treason.

It seems they think it Safest as yet to keep a shadow of Elections, for their intended Convention, by forming *Bodies Politick* of Cities and Towns to name or return whom the King pleases, and by the specious name of Liberty of Conscience, with Promises of Favour, and Threats of Displeasure, to deceive or affright the other Electors, to accept of those for their Deputies, that the King shall offer; but if this Attempt upon the prime Fundamental of our whole Civil Government shall be suffered, the King may hereafter, with as much Justice, Law and Reason, call whom he pleaseth from any parts of the Kingdom to Consult with, and in the Name, and under Pretence of their Advice; change our Laws and Customs, impose Taxes, and Alter at his pleasure (w) *Succession of the Crown* w Note that Cromwel took upon him such a power to send for men by his Letters without Election, and called them a Parliament, and made Acts, and intended to have changed the Succession of the Crown to his own Family, if these his Creatures could have agreed with him.

We must with sorrow shew your Highness, that they have so far prosecuted this their Design against our Government, that they have rendered it impossible to have a *Legal Free Parliament* Elected and Returned, in the present State of the Cities and Burghs, the Sheriffs and Officers, and the Condition of the Electors, great Numbers of them are quite harred of their Freedom and indifferency to Elect, which our Law requires by the declared Displeasure of the King, and the threatened and certain loss of their Offices and Employments and Benefits, if they accept of such for their Trustees as have unworthily resolved, or promised to *Vote against our established Laws*, as the King will have them, without hearing the Reasons about them, by the Kingdom in Parliament, and as we believe, without knowing the Intent and Purpose of the Laws they promise to abrogate.

'Tis not now practicable to have the *Legal free Consent of the Kingdom*, unto the making or repealing of any Laws (without which they cannot be obligatory) untill there be a just Restauration of the Customs, and Libertys of the Cities and Burghs, which have been Illegally and Treacherously surrendered, or unduely wrested from them, and Legal Magistrats shall be duely chosen, to execute Writs for Elections, and make Returns, untill there be a Revocation of the Kings terrifying Declaration of the unfitness for Parliament, and publick Employment, of all that will not help to finish this great Work begun, of destroying all our *Penal Laws*, for preventing the Popish Practices against the Rights of the Crown, and the Realm.

Nor untill there be an absolute Renuntiation of all the Promises, Ingagements and Subscriptions of the Electors, for Parliament taken by His Majesties Orders, and Ministers to restrain their Freedom, and Indifferency in their Elections. Thus the Cunning and Malice of our Popish Adversaries, have cut off all our Legal Means of Relief, by the Free Common Councils of the Kingdom, whilst they lay close siege to take our Bodies and Souls Captive.

We need not remember your Highnesses, that these Attempts and Endeavours, to subvert our Liberty in our Religion and Government, is a part of the general Design, that was formed and Concluded on many years since, in the most Secret Councils of the Popish Princes, chiefly managed by the Jesuits, to root out of all Europe, the profession of the Protestant Reformed Religion, and the Peoples Liberties.

We will not mention the notorious actual Prosecutions of that Popish Resolution, in several Kingdoms and (x) Dominions, nor the Treacherous

Falseness of those Princes, in their Treaties, Agreements and Oaths, nor the Oppressions, Blood-sheds, and all kinds of Unrighteousness, that have been practised by them, in Order to that general great Design.

The instance alone of the *French King*, is enough to be named, in stead of all, because he hath owned, and published to the whole World, his part in that Design, and by comparing the Violences, Banishments, and Murders done upon the Protestants at the same time, by other *Papish Princes* (as they were able) with his publick Confessions of his long laid Design, we may make a true Judgment of the whole.

The *French King* by his Edict (y) of 1685. hath declared, that he entered into that Design from his coming to the Crown; and it appears by the Edict (z) then prepared, and agreed by his Council of Conscience (that all his renewed Edicts in the Protestants Favour, his acknowledging and registering in Parliament, their great Services for him, and his Advancement of many of them, to the highest Dignities Military and Civil in his Kingdom, were done to flatter and deceive them; he calls God to be Witness of his Designs and Resolutions, at that time to abolish their Religion by degrees, and that he only attended his fit opportunity for that great Work, as it is called by our King, and by that Edict.

them by the papists.

In that interim of his seeming kindness to the protestants, and solemn professions to them, and some of the protestant princes, for their observing faithfully the Law and Edict of *Nants*, that was like the French protestants great Charter, there were all possible secret Conspirances and practices to prepare for that great Work, especially in *England*, that hath long been the head of the Reformed Religion, and the chief terror of the *French King*, and the *papish World*; he shewed his fear of the people of *England*, when he barbarously banished his now Majesty, and the late King in their distress, rather than displease *Cromwel*, he therefore applied his principal Councils, and Endeavours to distract and weaken the protestants of *England*, and to perswade and assist the late King, covertly to increase and strengthen the *papish party*; for that end his dearest Confessor the *Jesuite Chaize*, was ordered to correspond with Mr. *Coleman*; that was then Secretary to his now Majesty, and the (a) Letters Confessed by him, before thousands, shewed that the Matter proposed, was to root out of the World the protestant Religion under the name of the Northern Heresy, and ten times more of the particulars of that wretched Design, had appeared, if all Mr. *Coleman*'s latest Letters for two years and a half, that were brought to *Whitehal*, and many culled out of the rest, had not been there suppressed and kept from the sight of the parliament, yet Mr. *Coleman* on his Trial, confidently avowed before all the people, that Design of Subverting the protestant Religion, and that he was only a subordinat Minister in it.

It appears by those Letters, that the *French Kings* Money was to manage that work, and the Letters brought into parliament by the now Lord *Mountague*, acknowledged

(x) That is in France, the Dukedom of Savoy, the Kingdom of Poland, and many others.

(y) That Edict of 1685, is worthy to be read by every true Protestant.

(z) 'Tis fit to see in that Edict prepared as it published the opinion they have of Protestants, That they are deemed incapable of having any right to claim the benefit of the Treaties, Promises or Oaths made to

(a) See in *Coleman's Letters* in print published by the parliament's command.

by the late King, to be written by his Order, prove to the World, that the late King was content to become the French Kings pensioner, for five hundred thousand pound *per annum*, to keep off the meeting of parliament; we had then discovered the increase of popery, and the Danger of the protestant Religion, and had thereupon formed the parliaments Test, and were preparing other Laws, for security against the popish Designs.

It hath also been manifest to the world, that all kind of Devices and Artifices that the Jesuits Councils could invent were about the same years used to pervert the Faith and Religion of the *United Provinces*, or to betray them into the French Kings Power, or at least a dependance upon him.

'Tis now notorious to the world, that an agreement was made between the French King and his late Majesty of England to subdue and divide those Provinces, that they might no more be either a Support, or refuge for the Protestants. We crave pardon for our boldness that we humbly appeal to your Highness, whether your Integrity and Constancy in the Protestant Religion, and your Fidelity to your Countrys Freedom, were not about those years vainly attacked by those two Kings, or at least by one of them, and whether the Piety, generosity and brave scorn and Indignation expressed at their Proposals, did not fix an enmity in their hearts against you, the effects whereof you have suffered ever since.

The world hath also seen the effects of the French Kings prosecution of the same design, to take away the support of the Protestant Interest by his Pensions to the chief Men of the Kingdom of Sweden, and to such as he could prevail with in the Court of Brandenburg, and all other Places Courts that adhere to the Protestant Interest.

Yet the chief of his expence was upon our late King and his Ministers and Counsellors, who concurred in all the secret Practices and Contrivances, to weaken the Power of the Protestants, and to suffer the Greatness, Glory and terror of the French King to be advanced; but he durst never openly and avowedly joy with him in the great Work against the Protestant Religion for fear of his Protestant Subjects, he having deluded them with so many solemn Protections, of his faithfulness to their Religion, and their Liberty.

The French King found by experience, that the Parliaments had prevailed with our King to break all the measures that they had taken together for the destruction of the *United Provinces*, by obliging him to a separate peace with them, which had forced him to let fall his then spreading Plumes, and in crafty ways to seek and sollicite a Truce, and therefore he durst not during our King's life put in Execution his great work, that he declares, had been so long in his heart, that by Torments, Murders, and all sorts of barbarous cruelties, to suppress the Professors and Profession of the Reformed Religion, and insinere to raz: and expunge the Memory of it, as his Edicts and his Practices now declare to be his Intentions.

That French King durst not throw off his disguise and shew himself to be like a raving Wolf to his Protestant Subjects, until our now King had publickly espoused the *Popish Design*, which he had together with him long prosecuted in the dark, and until he had begun to invade the Protestants Liberties and Securities, his putting the *Military Powers* into *Popish Hands*, and to demand the Parliaments consent to a Law (which they refused) to authorize him, to make his *Papists*, the Guardians of the Protestants Religion and Lives.

The French King then knew that the People of England were in no capacity to interpose in behalf of his Protestant Subjects however he should destroy them, as his *Billet* says, being by the Truce without fear of disturbance, he indrely applied himself to the great Design, he sent his Dragoons to destroy the poor Protestants Goods, and to torment their Bodies with more cruelty and inhumanity then was ever practised since the Creation; he resolved for his glory (as his Clergy told him) to *show himself the first and most illustrious of the Churches Children, and the Extirpator of the Protestant Heresie*, which they told him was a more solid and immortal Title than he acquired by all his Triumphs.

He then presented that work of Extirpation as *Saul* did to strange Countries, breathing out threats and slaughter; he sent to the Duke of Savoy, and as that Court complains, persuaded and

frighted that Prince into a most unchristian and bloody decree, to compell the most ancient Protestants in the Valleys of *Piedmont* to turn *Papists* forthwith, and they being faithful to their Religion, that Edict was pursued by the help of his Dragoons, and the harmless Protestants tormented and murdered more cruelly than the worst of (b) Vermin or Serpents, until they were utterly destroyed and their Country given to the *Papists*. That Court of *Savoy* seems still (c) Ashamed of that horrid wickedness, and says for their Excuse. *That the French King declared he would root out those Protestants by his own force, and possess the Country, if the Duke would not have assisted therein.* (b) See the Relation of it printed. (c) See Dr. Burnetts Letter from his personal inquiry.

The suppression of the Protestants of *England* hath been always Esteemed the principal part of the Popish design to Extirpate the Protestant Religion, and therefore all the *Romish* Councils, Policies and Industries, their Conspiracies, Poisoning and Massacres, have been long Employed about it, and have perfectly gained our now King to serve their design: they have united him with the *French King*, that their conjoynd Councils, Treasures and Strength may finish their work of bringing *England* to the obedience of their Church. Its many ways Evident, that both the Kings are under the like conduct, and our King proceeds in the same methods against us, wherein the *French King* hath been successful to destroy the Protestants of his Kingdom. His first attempts to subvert our Civil Government and Laws, and the Freedom and being of our Parliaments just as the *French King* first Invaded the Supreme Legal Authority of *France*, which was vested in the Assembly of Estates, from whom alone he now derives his Crown. Our King in imitation of his Brother of *France*, strives to bring all the Offices and Magistracy of the Kingdom, that were legally of the Peoples choice, to be solely and immediately depending on his Absolute Will for their being, whether they arise by our Common Law, or be instituted by Statutes or Charters. He endeavours by various Artifices to bring the disposal of all the Properties and Estates of the People, and their Lives and Liberties to be at his meer will, by a perversion of the instituted course of our Juries, and by Judges and a Chancellor fit for that purpose, and every moment dependant on his Will; he seeks to make his Proclamations and Declarations to have as much Power over our Laws, as the *French Kings* Edicts. And after his Example he establisheth a mercenary Army to master and subdue the People to his Will.

If he can prevail in these things to overturn the Civil Government, then the Liberty of the Protestant Profession and of Conscience in all forms, however seemingly served by him, will be precarious, and he may as easily destroy it as the *French King* hath abolished the Irrevocable Edicts, Treaties or Laws of his Kingdom Confirmed by his Oath, which were as good security to those Protestants as any *Magna Charta* that our King can make for us, or any act of a Convention with the name of a Parliament: which is possible for him to hold in the State, unto which he hath reduced the Kingdom.

Our King hath the same *French Copy*, by which he writ assuring the Protestants of Grace and Clemency, giving them Promises of Equal Liberty of Conscience with his *Papists*, in preferring unto Offices and Employments those whom he resolves to suppress and ruine, preventing the Execution of Laws, and in allowing Liberty of Conscience in some notions, and the outward forms of worship in the Christian Religion, provided always that they have no regard or Conscience, for the substance of Christs Religion in Justice and Righteousness, nor flumble at complying with him, or assisting him, in the highest Crimes against Jesus Christ, by invading the Rights and Liberties of the Kingdom, and assuming a forcible domination to oppress whom he please, which is a subversion of the very foundation of justice and love amongst men, and by Consequence of the Religion preached and established by Christ.

These matters of fact are self-evidences, and clearly shew that our grievous Oppressions by our King are the effects of the united Councils of the Popish Interest, whereof the *French King* is the Chief. That the Conspiracy against true Religion and Liberty that now appears in *England*, comprises all the Protestant Princes and States in *Europe*; *England* is only first attacked as the principal Fortresse of the Protestant Profession, If the three Kingdoms of *England*, *Scotland* and *Ireland* can be reduced into the pattern of the *French King* in Government and Religion, and the strength

strength of them be united against any single Protestant State or Prince they shall think fit to assault, if they can by artifices keep the rest divided, which will not be hard for them; for there is little hope of any long defence of such a State:

The French King seems not unwilling to have it known that the Popish Design is general against all Profession of the Protestant Religion, tho especially against England, he hath allowed the Bishop of *Casnach* Speech to him at *Versailles* in 1685 to be published, who was authorized to be the Mouth of the Clergy of that Kingdom; he magnifies the King for suppressing the Protestants of his own Kingdom, and asks what they may not yet expect, England, saith he, is just offering to your Majesty one of the most glorious occasions that you can desire; the King of England by the need which he will have of succour and of the support of your Arms, to maintain him in the Catholic Faith, will make you quickly find occasion to give a protection wholly of your self. We know very well before the French Clergy declared it by that Bishop, that the same head that contrived the perversion or destruction of so many Millions of the Protestants in that Kingdom, designed the ruine of the English Religion and Liberty: but it surprized us, to see that Speech published by the French Kings Authority, and that our King should suffer the Translation of it to pass freely in England and thorow the World. We thought it beneath the Majesty of a King of England to be content that his Subjects should be told, that He was to come under the protection of a King of France, over whose Kings, and Kingdom, his Ancestors had so often triumphed; but it seems nothing is to be esteemed inglorious that may serve the general Popish design of Extirpating the Protestant Profession.

We need not put your Highness in mind that the same Speech acknowledges that the Popish Councils, and Conspiracy against England intend the like ruine to the Religion and freedom of the United Provinces, that Bishop tells the King, that he hath undertook the Conquest of new Countries there to re-establish the Prelacy, the Religious Worship and the Altars, that Holland and Germany have been the Theatre of his Victories, only that Christ might triumph there, that is, that the Papists might trample upon the Protestants and their Religion, and this he speaks (as he says) in the very spirit of the Church, and signifies their hopes of success against the poor Protestants to be Unbounded, saying, *what may we not yet Expect.*

We must freely Confess we were too slow to believe this desperate Popish Plot against the whole Protestant Profession, and in our particular Case we have been deluded with our Kings Promises, to protect and maintain our Religion our Laws and Government, until we see them all undermined, and the train laid to blow them up by a packed Convention of men prebanged, perverted or corrupted to serve the Kings Will and Designs, that shall assume the name of Parliament: we were not utterly insensible of the danger of our Liberty to our Religion and our Government from the time his now Majesty declared his late Majesty to have been a Papist, but who saw that by these secret conjointed Councils they had not been able to prevent the making some Laws to secure the Protestants by Excluding Papists from our Parliaments and all Offices and Employments, and we hoped that our Kings life would not be sufficient to overturn by degrees (as they had begun to proceed,) the excellent Foundations of our Civil Government, nor to Extinguish the clear light of the Truths of Christ professed in our Religion, and we were assured that your Highnesses minds were clearly enlightened in the Doctrines of the Protestant Religion, and adorned and accomplished with all Christian and Royal Vertues fit to possess the highest Throne.

Thereupon we encouraged each other to suffer with patience his Majesties attempts against our Laws and Liberties, presuming that your Highnesses would ere long be our joyful deliverers to the everlasting Confusion of the Popish designs against our Government and Religion, and to the Vindication of the innocency of the Protestant Martyrs in all the Kingdoms of Europe.

But as your Highnesses were the greatest objects of our earthly hopes, so the thoughts of her Royal Highnesses Succession to the Crown, in Conjunction with your Highnesses Vertues and Military Prowess and Magnanimity, were matters of the greatest horror and dread to all the Popish Councils of Europe; they have therefore applied themselves to various consultations, sometimes it hath been proposed by his Majesties Power with a Parliament, by the deluding names of *Liberty of Conscience* and a *Magna Charta*, therein to Fetter your Highness in your accession to the Crown;

Crown, with such conditions as were obtained in Parliament, in the case of Queen *Mary* and *Elizabeth*, which they hoped to strengthen, by his Majesties putting the *Papists* into possession of all the Strength and Authority of the Kingdom, united with all the power of the *French King*, that your quiet admission to the Throne might not be possible, unless you should submit unto, and depend upon the *Papists*, and the conditions that they should impose; but they found it of greater difficulty than they at first imagined, to get a Parliament that would jyn with his Majesty in such a project against your Highnesses, therefore some of the more cautious *Papists*, of considerable Fortunes, flumbled at the absolute force of a Mercenary Army, and the *French Power* to put a force upon the Heiress of the Crown; they propounded, that his Majesty should rather try the force of his Paternal Power with his Royal *Highness*, and use all the Arguments of interest to induce her either to change her sentiments in her Religion, or at least to moderate her thoughts concerning them, and induce her to concur in their full Liberty.

If such Endeavours should be hopeless, that then your Highnesses should be at least prevailed with, to declare your consent to his Majesties Declaration for Liberty of Conscience, and your concurrence in his desires to a Parliament, for the repeal of all the *Penal Laws* in Matters Ecclesiastical, and the *Tiss*.

It was presumed, that your Highnesses might have been perswaded, that the Laws suspended and dispensed with by his Majesty, were only two or three Laws against the *Protestant Dissenters* holding their Conventicles, and some Laws made since the Reformation, only to compel *Papists* by great Penalties to come to Church, and to keep their Priests out of the Kingdom; and it was hoped that your Highnesses compassion to all Christians, and a tenderness of the Liberty of Consciences, would have moved you without further Examination to have complied with his Majesties Request.

It was believed, Your Highnesses would never have enquired after the *Penal Laws* in Matters Ecclesiastical, made by the ancient *Papists* many hundred years since, against the horrid Invasions by the *Romish Church* on the Rights of the Crown and the Realm, whereby they had impoverished, sullied and almost ruined the Kingdom, nor that your Highnesses would have understood, that the King hath opened a return to all those wicked practices of that *Papish Church*, and that the repeal of those Laws would settle them.

It was supposed that your Highnesses had not known, that the *Penal Laws* in matters Ecclesiastical, contain most of the clearest Authoritative Declarations, that are extant in any Records of the Rights of the *English Crown*, of the Form and Constitution of our Government, and of the Rights and Liberties of the Subject, the Church of *Rome* claims, Usurpation and intolerable abuses and oppressions, having put a necessity upon the Kings and Parliaments to make those Declarations of Law that are now ancient Evidences of the Inheritances of the Kings and People, of inestimable value.

It was imagined, that your Highnesses would not have discerned the consequences of a general Repeal of the *Penal Laws* in matters Ecclesiastical, that by Enacting only his Majesties Declaration, (as he propounds there) would be the most absolute and compleat establishment of Popery that the *Romish Church* can wish. All the Canons or Laws of the Church of *Rome* shall then have greater Legal force in *England*, than they have had in five hundred years past, and all her Authorities and Jurisdictions over our Persons and Estates will be in the same manner Legal by ancient usage, and approved by Parliament, as ever they were heretofore in *England*, part of *Magna Charta* itself will be Repealed, that makes it *Penal* to such as the Priest shall delude to give their Lands to Religious Houses.

There was such a confidence of deceiving your Highnesses, and obtaining your consent, to the Repeal of the *Penal Laws*, that the Priests spread a rumour, that you had agreed, and that his Majesty understood you well therein; a false Jesuite had the impudence to whisper it as a secret, that their general design could not miscarry, seeing they were secretly assured, that the Prince of Orange would concur in it when it was reasonable to declare himself.

We were certain of the falseness of those rumours, some of us knowing of Applications that were consigned by his Majesties order to your Highness in that matter; and we were much surprised

prised when a Friend of ours at *Whitehall* told one of us about the end of *August* last, that the rumours of your Highnesses concurring with his Majesty were suddenly hushed, and that he heard a whisper that it was said with much anger, that your Highnesses were obstinate in your Errors, and thought to make yourselves popular with the Church of *England*, and he would trouble himself no more with you, but you should repent it.

Some few of us, who had often conferences, concluded that the King had changed his Measures, but could not imagine what was designed to offer to a *Parliament* in lieu of a *Protestant Successors* consent, to oblige them to Repeal the *Penal Laws* desired by his Majesty. It was not long before we heard it muttered that the Queen was with Child, and then the *Papists* began to triumph, and the *Priests* gave out boldly, that it would settle her Royal Highness's Right to the Succession, tho' it were a Daughter, & ignorantly and impudently affirmed, that if the Queen had a Daughter born after the King came to the Crown, it ought to succeed before a Daughter born when he was but a Duke; but none but the *Papists* gave any Credit to the reports that she was with Child; and the Fable of the Daughters of *Modena's* request in *Heaven* or *Purgatory*, and the Lady of *Loretto's* helping her to conceive a Son, for the sake of a fine present, made all but the *Papists* believe it a meer invention of the *Priests*, whatever should ensue.

The Story of it shewed it to be of the Linage of the *Popish Legends*, and was a matter of laughter and derision among the people, and a Subject for Poets Lampoons, which were so common, that they were in *Whitehall* it self, and no doubt they came to the knowledge of his Majesty, and most of his Court. The more serious Protestants presently apprehended, that a suppositious Son was designed, to abate your Highnesses growing reputation and power, all the Protestants of *Europe* then justly looking upon her Royal Highness as Heiress apparent to the *English* Crown, and your Highness in all respect to be the fittest Head for the Protestant interest against the general *Popish* design.

They knew this device to be necessary for supporting the glory and terror of the *French* King against the greatening reputation of your Highnesses by the Expectancy of the *English* Crown; 'tis known that he dreads your Highnesses vindication, and recovery of your own Rights from his manifest violence and rapine, and your Patronage of the Protestant interest in all *Europe* against his Arbitrary and bloody designs.

He knows that if her Royal Highness succeed to the Crown of *England*, he will be quickly incapable of prosecuting his cruel intentions against the Protestants of other Countreys, and it may be scarce capable of supporting his Grandeur and Triumph over his miserable Subjects.

The very Expectation for 8 or 9 Months that the Queen might bring forth a Son, was greatly for the *Popish* advantage, if the trick should have failed in the Issue by any unlucky accident, it made a stand for a time of the Protestants of all Countreys in the great Expectations from your Highnesses, it raised triumphant hopes in all *Popish* Countreys, it strengthened the *English* *Papists* hands and hearts, to prosecute their design vigorously, it encouraged corrupt and unprincipled Protestants in Profession to fall in with their Party, and prevailed with many weak Dissenters to make them believe a Succession of *Popish* Princes, and that their Liberty of Conscience is only to be expected from them, and that therefore they ought to serve in their employments.

When we saw the incredulity and mockery of the multitude at the Story of the Queens great Belly, and the sad apprehensions of the more considerate, that for the political support of the *Popish* design, a counsellor Son of the Kings might be imposed on the Kingdom, we resolved to observe and keep Memorials of the rise, progress, and issue of the whole matter (as far as we could get Intelligence) we presently perceived that the *Popish* Priests were the prime reporters, and most consistent asserters of the undoubted truth of the matter, and they boldly took upon them to prelate that the Queen was with Child of a Boy, that was to finish the Settlement of their Church in *England*, as certainly as if they had seen the *Fœtus* perfectly formed in her Womb, or rather as if they had been privy to the plot of a suppositious Boy, and had their Cue in the management of it.

Their manner of talk and boasting increased the general suspicion we knew that sort of Priests maintained the vilest wickednesses to be lawful for their Churches service, and that they have been.

been notorious for Impostures and Forgeries of all sorts; they once forged an *Eternal Gospel* (as they called it) to support the Orders of the *Mendicant Friars*; and if we may believe some of themselves, they have a Father Titler in some rich Convents, to forge Titles to any mans Lands adjoining to theirs, when the Convents have a mind to them; those Priests contrived *Queens* great Belly for a Counterfeit Heir to the Crown, to have carried on their Catholick Cause, and as great publick Triumph and solemn Prayers for her Belly were made at *Rome*, and in all Poplish Countreys, as have been made in our *Queens* case; but their design was unluckily crossed when her Deliverance was expected, and their joyes and prayers vanished in smoke.

Some of the Priests were the Agents for the bloody and unnatural Usurpation of our King *Richard* the 3. A Priest Preached at *Pauls* Cross, to make the people believe that King *Edward* 4. his elder Brother, whose Son King *Richard* had murdered, was a Bastard, not the lawful Son of *Richard* D. of *York*, and that *Richard* was the true Legitimat Son, and had been a long time wronged of the Crown belonging to him.

It was a Priests Invention and management to set up *Lambert Symnell* a Bakers Son against King *Henry* 7. Counterfeiting him to be Earl of *Warwick*, and laying claim to the Crown, and was proclaimed King in *Ireland*, and marched into *England* with a good Army to maintain his pretence; and by the like advice *Perkin Warbeck* another Counterfeit was set up against the same *Henry* 7. by *Margaret* Dutchess of *Burgundy* to be *Richard* the younger Son of *Edward* 4. and made such a considerable party in *Ireland*, and was so received and assisted in *Scotland*, that he bid fair for the Crown; and we could not forget what a Cheating Trick the Jesuits invented and practised of later years, about procuring an Heir to a Crown that is become their chief support in Europe.

The remembrance of these and many other wicked frauds of the *Romish* Priests of the like Import, to change the Successions of Crowns to serve their Church, and feeling them so busie and industrious to prepossess the peoples minds, with an opinion that the *Queen* had a great Belly, and that it was a Son, when it was impossible in nature to be known, if she had been then really pregnant, these things we say put together confirmed our suspicions, that they acted a part as they were influenced, and that a counterfeit Son might be resolved on, to be set up for Prince of *Wales*, as common Fame consistently reported.

The Collections and Observations we have since made of the things that occurred, during the *Queens* supposed pregnancy, and about her pretended delivery of this Son, have made the truth of the matter so plain in our apprehensions, that now we no more suspect, but conclude and believe this pretended Prince of *Wales* to be a meer Counterfeit; and we hold it our duty to your Highness, to our Countrey, and to the whole Protestant Interest (this Child being set up against all these) to set before you all the Memorials we have taken in the whole matter, several of us having been at least very near the Court during the whole Transactiō.

We crave leave to put your Highnesses in mind, that before we can convincingly set forth the special and particular Facts and Circumstances that we have remarked in this matter, 'tis necessary that we first remember and evince the truth of some general Conclusions about the Proofs and Evidences whereby a true Judgment ought to be made of this supposed Prince, and if your Highnesses shall be clearly satisfied in the truth of those Conclusions, whereof we cannot doubt you may be fully convinced by them alone, without further Hesitation or Inquiry, that this supposed Prince of *Wales* cannot be justly judged by any kind of Rules of Justice or Law whatsoever to be in truth born of the Queen.

The first certain Conclusion to be remembered is this, That by the Universal Rules of Justice and Equity any Child of our *Queens* (that was expected or hoped to be the Heir of the Crown of three Kingdoms, and to postpone or set aside an undoubted Heiress apparent, and also the Right expectant of a War-like Prince, and diverse Princesses of the Blood) we say, such a Child ought to have been attested to be born of the Body of the Queen, of the personal certain knowledge of proper Witnesses surable to the case and concern, in so great a number, and of such unsported Fame, undoubted Authority, and perfect indifferency, that the Proofs of its Birth could never have been reasonably drawn into doubt or question, either in *England*, or any other Christian Kingdoms or States.

A Son of the Queens Body had naturally and really made an entry in the moment of his Birth, upon the apparent Right of her Royal Highness: She had thereby rightfully ceased to be Heiress apparent to the Crown, and no Rules of natural Civil Justice, nor the Law of any Civil Government, will allow or suffer entries to be made, and persons to be oured of the Rights they apparently had in Judgment of Law, without sufficient proof, either of Right Paramount to the others, or a Determination of these former Rights apparent.

Our English Laws, and special Statutes for that purpose, abhor any Entry upon the apparent legal Right of another, either of the Will of the King, or of any Subject, the Admission of such a Practice is absolutely destructive of Property and all Civil Justice and Government, it dissolves the whole Civil Government, and turns all into the confused course of natural Rights; wherefore ever a Civil Government and Property is established on entry of Will upon the Legally apparent Right of others, without sufficient Manifestation of their own greater or better Rights, is directly contrary to Gods Eternal Law of all Righteousness amongst men.

Upon these certain infallible Foundations we build our Conclusion, that this supposed Prince of Wales, Born of the Body of the Queen, ought by the Laws of England, the Fundamental Rules of all Civil Justice and Government, and by the unalterable Laws of God to be manifestly proved by them, that pretend it beyond all possible Contradiction in such manner as is described and specified in the preceding Conclusion, and such proofs ought to have been publicly divulged and made known to England and the World, before his Patrons ought to have entered in his name upon her Royal Highness's Right in the Judgement of our Laws, to be filled and reputed the Heiress apparent to the Crown of England, and to assume to him that Honour and Glory, which her Highness justly had in England, and all the Kingdoms and States of Europe, to be apparently the next Successor to the Crown of England.

Questionless, all the Civiliz'd Kingdoms in the World, that are Hereditary, have pursued these Principles of Justice and Reason in their common custom, to have their Princes Born in the presence of the Princes of the Blood, the chiefest Men of Religion, and the greatest Nobles and Officers in the highest Trust for the Kingdom, and the Ambassadors and Ministers of Foreign Kingdoms and States. That the Heirs of those great Inheritances might be so known and manifest, that it might not be possible for any Controversies to arise about their Births, and their being the Lineal Heirs of the Respective Kingdoms. Whensoever Rights of any kind are obtained merely by virtue of Birth, those that claim them are bound to prove by Witnesses suitable to the Respective Circumstances of every Case, the reality of their pretended Birth at their Peril of being justly excluded from the Rights they demand, yet Justice does not always require the like Witnesses and clearness of Testimony about the Birth of all common Persons, the Circumstances of their cases being so different, that Witnesses of such qualitys, and in such a number as may be sufficient proof for the Birth of one Heir may justly be judged insufficient for the birth of another.

But the Birth of the pretended Prince of Wales was attended with such Circumstances that Justice required that his Birth of the Queen should have been testified by a plenty of such Witnesses as their proof might have amounted to the highest degree of Certainty, that is possible to be built upon humane Testimony; doubtless the Circumstances of his pretended Birth were very extraordinary.

It was generally reputed and believed that the Queen's sickness and Infirmities had disabled her to bring forth a living Child. The famous Physician Dr. Willis shewed that opinion to his Brethren of one of her Children when her Majesty was much stronger, saying, there were *maxima vitia*, and the popular opinion therein was confirmed by several years experience.

It was notorious that two hundred to one throughout the Kingdom did not believe the report that her Majesty was with Child, notwithstanding all that was said of it by the King and Queen, and the Prayers injoined thereupon.

That her Majesties Pregnancy was as little believed in foreign Protestant Countries as in England, and Pamphlets were published in several Countries as well as in England, that declared the Report of the Queens being with Child, to be nothing more than an Artifice of the Jesuits, by those hopes of a Popish Successor to the Crown, to encourage their Catholics in their Designs, and to gain Profelites:

It was publickly known, that there was a jealousy in the greatest part of the Kingdom, that the Popish Councils had designed to impose upon them a Counterfeit Prince of Wales.

There were also Circumstances about the Birth of this supposed Prince, of another sort, and no less important. It was the general opinion, that the Security or Danger of the Profession of the Protestant Religion, not only in England, but in all the Kingdoms and States of Europe, would be the certain consequence of her Majestys bearing, or not bearing, a Prince of Wales.

The Birth of such a Prince was to be a great Diminution of many Princes and Princesses in their Expectancy and Primity to the Succession to the three Crowns, and threatened England with the Danger and Misery of falling under an Infant Prince in name, and in truth under the Domination of Rome.

All these special Circumstances attending the Birth of this supposed Prince of Wales, being of such nature, import and number, as the like never met together before, in the Expectations of the Birth of any Prince in the World. In this case Natural Justice, common to all Nations, and the practical reason of the special Customary Law of England in the proof of Matters of Fact, we say, both Universal Justice and the Peculiar Law of England required indispenibly, that there should have been such proper proof, that this supposed Prince was born of the Queen, as was answerable unto all the special Circumstances in the case, such proof as had comprehended the Objections that might arise from every of them, as fully as was possible in the nature of the things, that the Testimony of his Birth might have been sufficient to have satisfied the most jealous and distrustful about it, in our own and foreign Countries, and to have removed all the prejudices against it that were known to have been spread far and near by common fame.

It was absolutely necessary in Justice, Law and prudence, to have had such proof of his Birth as our precedent conclusion hath asserted: That is,

That there had been Testimony of it, of personal and absolutely certain knowledge. Women to have testified their personal sight and perception of that very Individual Child, coming naturally out of the Queens Womb, and Men to have witnessed their immediate free and full sight and inspection of that very Child by the Womens assistance in his pure natural nakedness, with all the known marks and tokens of his being just separated from the Womb, and from those other things that are natural to the birth of a Child, the Effects of such separation being there visible, and impossible to be hidden, such Testimony is always provided for in the Birth of every Prince of the Blood in France, tho never to remove from the Crown.

That the Witnesses of those Matters had been fit and proper Witnesses, suitable to the greatness of the persons and things that might be in question, and to the vast Extensive Consequence that may ensue thereupon. Nature, or the first light from God created in the minds of Mankind, dictated the equity of those Roman Imperial Laws, that appointed those which asserted Filiation or Marriage to prove them, by fit or proper and most unquestionable Witnesses, most of the Writers about these Laws serve themselves therein of these Words severally, which we will for shortness put together; *Matrimonium & Filiationem qui affirmant, debent probare per testes idoneos omni Exceptione majores*; they that alledge a Marriage or a Child being, by virtue whereof they claim, ought to prove it by Witnesses that are above or beyond all possible Exception; in this case there ought to have been such fit Witnesses, that nothing could have been objected against them in any respect either by Englishmen or Foreigners.

That the Witnesses that Law and prudence required of both Sexes, had been fit and proper in respect of their Years, or Age, that the Women had been Matrons, whose gravity and sobriety were fit to attract some decent reverence from the men of like quality in their Exposing to them nakedly the works of nature as was unavoidably necessary.

That they had been fit and proper in regard of their sufficiency of knowledge and understanding in the Matters of Child-bearing; such as knew by Experience all those works of Nature in what manner the Mothers ought to be and are customarily treated in their real Travel and Child-bearing and immediately after it, and what are the Natural Symptoms in the Mother, that accompanies their real bringing forth of a Child before it hath been its natural time of nine months in the Womb, and at its due natural time, and also the Signs of a Child perfectly grown in the

Womb.

Womb, or brought to Light before its time of perfection: It was of necessity, that the Witnesses had been of such Knowledge and Experience in all these Matters, or so sufficiently Informed about them by others of Skill and Faithfulness, that it might have been evident to the Kingdom, that such Witnesses could not be imposed upon, deluded or deceived by any cunning Artifices, to believe this pretended Prince to have been born of the Queen, if he were in truth Supposititious and Counterfeit.

The General Rules of our Canon Law required, that the Witnesses had been publicly known to the Kingdom by their Persons or their Names, their Interests, Concerns or Employments; our Fundamental Laws have taken care, that all matters of Fact should be Decided by Juries of the Neighbourhood where the Facts are done, that the Witnesses that testify them may be known to the Jurors; and Fraud is always suspected, if persons unknown to the Neighbourhood of the Facts be produced to Witness them, unless there be manifest reason for their knowledge of the Fact better than those that were near to the place, and known to the Jurors.

The reason of our Law is of impregnable force in the case of the supposed Prince, that the Witnesses of his Birth should be persons publicly known, on whose knowledge, truth and credit, the whole Kingdom and the Christian World should rely in a matter of such vast consequence, obscure unknown persons never publicly named or heard of in this or any Foreign Kingdom, and above all obscure Foreigners, French or Italians, or others, ought not to be deemed fit or competent Witnesses to testify the Kingdom in this Fact: Indeed, when Circumstances are considered, it will be evident that the pretended Testimony ought to be rejected; and if it be offered, it justly puts a prejudice upon their pretences in regard there was a whole Kingdom, besides all the Eminent Ministers of Foreign Princes and States, out of which Witnesses might have been selected that were publicly known and heard of by all the people, and the necessity of it was never more so manifest in any case, it being known to his Majesty and his whole Court, that the Queen being with Child, was not generally believed either in England or Foreign Countries.

Common Justice required that the Witnesses had been fit and proper in respect of their high distinguishing Quality, either that they had been dignified with some of the highest Ecclesiastical Dignity, as Arch-Bishops or Bishops, or had been by Birth or Creation of the degree of the greatest Nobility of the Kingdom, or that their extraordinary Worth had raised their Reputation, and had been honoured with the great and Eminent Offices of Trust in the Realm.

Our Laws are Impartial to High and Low in hearing the Testimonies of Witnesses in every case, and therefore they duly consider both the Circumstances of every fact to be proved, and of every witness and his Capacity to prove it, our Laws indeed judge not truth and integrity to be annexed and intailed to dignity, nobility or Greatness, yet they justly claim the Testimonies of Persons of Great dignity in the Church or of noble birth, and raised knowledge and fortunes, and independent upon others to be more free from exception (which this case requires) than those that are of weak understandings without the advantage of excellent breeding and instruction, or indigent and bound to depend upon favour of others for their support, like Nurses and Midwives and other servants.

Therefore (*Ceteris paribus*) (the Capacity and probability of knowing the facts and the Indifference of witnesses of high and low degree being equal) our Laws justly allow most weight and credit to the Testimony of dignified and noble witnesses, and they are therefore required to prove the fact of a Prince's birth, whereupon depends the right and title to Kingdoms, to exclude the apparent right of one, and to put another into possession of the same.

Our Laws presume Persons of such high degree to have greater sense and regard to Conscience, more generosity and contempt of falsehood, and more tenderness of their honour than those of low condition, and upon that presumption Noblemen's affirmation upon their honor are in many cases accepted by our Laws in lieu of their Oaths, unto which all others are obliged in the same like cases, and for that reason their Declarations of the birth of a Prince without their making oath thereof judicially, have been as certainly rely'd upon by the Kingdom in the descent of the Inheritance without dispute, as if they had sworn their knowledge in the forms of Justice.

There are also other Circumstantial reasons (unto which our Laws have regard, for the great-

est value to be put upon the Testimony of the Nobility of both sexes about the Birth of a *Prince*; they are most accustomed to the presence and conversation of the King and Queen.

Such Ladys are justly presumed to be free from too great Awful distances, Common to those of lower quality, and to have more audacity and confidence to make such near approaches to the *Queen* in her travail and bringing forth, as are Necessary that they may be ocular witnesses that they have seen the Child in its very Birth; and such Nobles are more bold and free to take such a searching view of the Child in its naked natural, as may make them knowing witnesses of its Birth, and absolutely certain that they are not deluded with a Supposititious Child.

Such noble witnesses are also known to have greater obligations upon them than others, to prevent all possible questions and disputes that may arise by any uncertainties about the succession to the Crown, which may divide and destroy the Kingdom and their great Interest, and posterities, their Conditions and Fortunes also are supposed by our Laws, to be above temptations by Bribes of Wealth or Honour, to connive at falseness, or to stoop to serve a Counterfeit *Prince*.

Upon all these Considerations the witnesses of the Birth of every *English Prince* ought to be of such high and noble quality; and it was known to have been infinitely more necessary that the reason of our Law had been exactly observed in the case of this Supposed *Prince*, than ever it was since the foundation of the Kingdom, there never was any such occasion to have stopped the mouth of Publick fame, or to have shewed the justly jealous subjects that there was such fit and proper witnesses, that a *Prince* was now born of the *Queen* as were unquestionable without any possible exception, whose truth and faithfulness might be relied upon securely. Justice also required for full security that there had been competent and sufficient numbers of those fit and proper witnesses, at least that there had been so many of them as were able to obviate all ways and practices of deceit, that it could not have been supposed to be possible that a fraud had been put upon them.

This sort of caution is always just and necessary in the birth of our *Princes*, but in the present case there could have been no honest end, Intention or pretence to have confined themselves to a small number of witnesses of a fact, wherein a Kingdom, known to be filled with just suspicion of an imposture to be put upon them, were to be satisfied merely by the witnesses averment, and a Noble *Princess* also to be excluded from being *Heir* apparent to the Crown.

Our Laws require witnesses of facts answerable to the nature and Circumstances of them, and alwayes require ample Testimonies, when the Parties that are obliged to prove them had it in their powers & choice, without charge or burden to themselves to have multiplied their witnesses to what number they had pleased, and could not be ignorant of the usefulness or necessity of it, and yet more especially if the fact were such whereby great Benefits were to accrue to them, and Answerable Loss to others; In such a case it would much abate the strength of the proof in the course of our Law, if there were such a small number of witnesses as might leave room for any objection or the least doubt of the fact.

The ancient *Roman Imperial Laws* in the Cases of Subjects, when there was a *Posthumus* to be born that might exclude another *Heir* apparent. We say, those Laws in common natural Equity to prevent a supposititious Child, appointed thirty days to be given to the apparent *Heir*, and all others whose Right was concerned of the Expected time of her Travail, and del very, that on the behalf of the *Heir* apparent, Women might be sent to be present to see the Birth of the Child that might become the *Heir*: that Law confined the number to five free Women to be so sent, allowing her that was to deliver to have also five Women of her own chusing, and no more, so that the number to be present at her delivery should not exceed ten, besides two *Midwives* and six *Maid Servants* that were no Witnesses.

This Rule was set down positively in the Empire, as the Dictate of natural Equity and Prudence; and although *England* hath no positive written Law that prescribes any set number of Friends to be sent in such a case by the *Heir* apparent to see the Birth of such a Child, yet the Custom and Practice is in every such case (tho' no Fraud be suspected) to give notice to the next *Heir*, and that some of their Friends are customarily sent (to what number they please) to be present at the Birth of the Child, that may be an *Heir* to the Exclusion of another.

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That practice with us is not of Favour, but of Legal Right, our Common-Law generally Blinds all that set up a claim to any thing that another hath, to give such Notice of his pretence as is needful to make his just defence if he can, and to prove the Fact whereby he claims by such a number of Witnesses, as may put the Truth of it out of doubt to the Court of Judicature; but that number in the Course of our Law is greater or smaller, according to the Cause that appears of jealousy or distrust of the Truth of the Fact pretended.

These Rules of our Law, and the Reasons of them fully include the case of a Pretence of a Child to be born to exclude an Heir apparent, and if there were many known grounds of suspicion in any such case that it was designed to set up a supposititious Child, and a notorious Common fame of it, and no notice were given of the time expected of the Childs Birth, hoped to be Heir, to the then Heir apparent, or to any that had expectancies of the Inheritances. We say in such a case by the Rules and Practices of our Laws a small number of Witnesses of the Birth of a Child ought not to be believed, since they that should claim for such a Child might by due notice to the Parties concerned have had such Witnesses as had put the Childs Birth beyond all question.

Certainly by the reason of our Common Law, there ought to be a much greater number of Witnesses of the Birth of every of our *Princes*, than of the Birth of the Subjects Heirs, but our Law requires that the Birth of this pretended *Prince of Wales* should have been proved by a greater number of Witnesses than was ever needful heretofore, in the case of a *Prince*, there ought to have been so many fit and proper Persons present at his pretended Birth, that it might have been manifest to all that had heard it, that the Eyes of so many Witnesses of such Condition, knowledge and Judgment could not have been deceived in what they had testified to have known, and seen, the number ought to have been so considerable, that there could have been no reasonable Suspicion, that so many of both Sexes, and of various Dignities, Honours and Interests (and some of them of Consanguinity with the former Heiress apparent) had made a Conspiracy amongst themselves to abuse the Kingdom with a *Counterfeit Prince*, and that so many had kept each others Council in a Fraud and Falsehood so odious and injurious.

It had been common Prudence as well as Justice to the Realm, that the Witnesses of the Birth had been very many, that amongst such a Number, some of them might have been known in one Part of the Kingdom, and others in another Part, and that some of their Names and Qualities might have been known in *Foreign Countries*, and for that Reason the Ministers of *Foreign Princes* (according to Custom) ought to have been some of the Witnesses, the Peoples knowledge of the Names, Qualities or persons of the Witnesses had much conduced to their fuller assurance of the Truth; it would have appeared to them Incredible and almost impossible, that the Integrity of such and so many Witnesses could have been attacked either separately or jointly.

But on the contrary, seeing Custom and Law required a good number of fit and proper Witnesses to have made up a Testimony of the Birth of a Prince that might have been truly said to have been *omni Exceptione major*, above all possible Objections against it: and seeing the wit of man cannot invent a reason why the King and the Patrons of this pretended Prince of Wales did not provide such ample and unquestionable Testimonies, that he was born of the Queen, when they could not be ignorant that it was the voice of Common Fame in *England & Potain Countries*, that her Majesties Conception of a Child was merely Fictitious, and that a supposititious Prince was designed, and seldgno Excuse or Pretence is published for the neglect or Failure of such a Testimony of his birth, we say (the Circumstances of the Case being considered) it's most unjust to expect or demand of Your Highness, or of the people of *England*, or of *Foreigners* a belief and acknowledgment, that this pretended Prince of Wales was born of the Queen.

As our Common Law informs us, who are fit and proper Witnesses, whose Testimonies ought to be received in this Case, and in the proof of all matters of Fact respectively, so the same declares who are deemed to be unfit and disabled to be Witnesses in all the various and respective Questions of Fact, it shews, whose Testimonies ought not to be heard, and much less believed in divers sorts of Facts that come into question, if your Highness and the Kingdom be told of the presence of such persons to have been at the Birth of this pretended Prince, they ought

ought not by our Laws to be accounted Witnesses, nor their averments in the case to be heard by your Highness or the Kingdom, and much less to be allowed to be of any Validity in the Common course of our Courts of Judicature. If Parties concerned to prove a Fact do knowingly offer for Witnesses such as our Laws reject in the Facts in question; it turns to the prejudice of their other proof; we are therefore obliged to acquaint your Highnesses with the Actions, Qualities, Respects and Circumstances that have disabled many by force of our Common law to be heard as Witnesses of the Birth of this pretended *Prince of Wales*.

First, our Laws utterly disable all those to be heard in the Case that have received, either gifts of Money or Honours, or any other reward or Benefits whatsoever for their pretended assistance about his Birth; or by reason or occasion of that pretence; 'tis the Common practice of our Law, that when a witness is produced, the adverse Party may examine him upon his Oath, whether he hath had Money or other Reward or Gift directly or indirectly, for, or by reason of the matter in question, or from the Party in whose behalf he is produced to testify, or from any of his Friends; if he cannot acquit himself thereof by his Oath, tho' it cannot be proved against him, our impartial Law denies such a Person not only to be partial in the Case, but corrupted, and bribed, and unworthy to be heard.

Our Law will not admit those to be Witnesses for the Birth of this supposed *Prince of Wales*, that have any promise, Expectation or Hopes of any Advancement, Office, Place or Benefit by or under him, if he shall be received and allowed by the Kingdom to be *Prince of Wales*, they that cannot purge themselves by their Oaths from all such Promises, Expectations and hopes, are not in the judgment of our Law persons Indifferent and unconcerned in the Event of the Matter in question, nor fit to be heard as Witnesses; their Testimonies being partly for themselves and their own Benefit, and the allowance of such Testimonies in Judicature would in consequence subvert all Civil Justice and Government. Our Law excludes all from being Witnesses to support the pretence of the supposed *Prince of Wales*, that have such dependance on the Patrons and Maintainers of him, that they are in danger of damage and loss by them of any kind, if they should displease them in their Testimony. Our Laws judge all such not to be free and of their own Right in the Case, but bound to serve and please the Patrons of the Cause, and therefore presume that they may be corrupted by fear of losing the Advantages they love, if they should impartially declare the whole truth and nothing but the truth of the matter.

Our Laws seek to know the naked and entire Truth of all Facts that come in to legal question or Contest, and will not admit of any to be Witnesses of them, unless they appear to be free from Fears of any prejudice to themselves by speaking the Truth impartially. We are enforced by the Concern of all the *Protestants*, to speak more plainly than we would, we must say, that all that hold Offices of Profit and Honour, during the Kings Will, are by the Laws of England excluded out of the Number of fit and competent Witnesses about the Birth of this Child, whom his Majesty hath proclaimed and maintained to be *Prince of Wales*; our good Laws have regard to humane infirmities, and will not put a temptation upon men to suffer them to be Witnesses in matters wherein they may damnify themselves in the loss of their Offices, if they happen to displease their Master in his concern in the case by testifying clearly the whole Truth of it, they are not free in the Judgment of our Laws to speak the Truth without Fear, and for that reason are not to be received by the Kingdom as witnesses in this Case.

Our Laws will never allow or suffer any to be Witnesses in this Case, who are known or may be Proved to have Enmity or prejudice of any kind upon any account whatsoever to her *Royal Highness*, against whom most immediately this supposed *Prince* contends, She having been most unquestionably the Heir apparent of the Crown, and justly so remaining until the Kingdom shall be satisfied by a sufficient Number of lawful Witnesses, that there is a *Prince* born whereby her claim to the next Succession shall be postponed, the question of Fact to be decided by Witnesses is apparently between her *Royal Highness* and this supposed *Prince*, and 'tis an illegally unanswerable and conclusive Exception against any to be received for Witnesses against her in his behalf, that they are declared Enemies to her, and the professed *Protestant Religion*; the destruction whereof they are bound in Conscience to Endeavour, and for that reason such known

Enemy

Enemies to her right of Succession to the Crown, that their Church have decreed and declared her Right, and the Right of all Protestants to any Authorities to be absolutely forfeited to the Papists for Protestants Heresy.

It cannot be denied, that all that are sincerely Roman Catholics, and believe their own Church, do judge her Royal Highness to be an Excommunicated Heretic by their Church, and that all her Rights in possession and reversion are thereby confiscated, and that they are all obliged by the Law of their Church, in Conscience of their Religion, & by the hope of pardon of their sins, to Defeat & Destroy by all way: & means in their power all her pretensions to the descent of the Crown upon her, and to assist in the investing the Right to the Succession in a Roman Catholic. We might here add, that our English Papists are all in Union and Communion with the Pope, as appears by his Nuncio in London, and he is by the ancient Laws and Statutes of this Realm declared the publick or Common Enemy of the Kingdom near two hundred years before Henry Eighth.

'Tis manifest that the English Papists are declared Enemies to her Royal Highness Right in this case between her and the pretended Prince of Wales, and therefore by the Laws of England they cannot be Witnesses of the Fact in Question, neither ought their Testimonies therein to be offered to the Kingdom to Delude the People.

The Civil Law so fully concurs with our common Law in rejecting Enemies to be Witnesses in the cause of their Enemy, that it denies to give credit to what they may testify in the cause of their Enemy wch their dying breath after they have received the Eucharist, that is the General Conclusion of the Doctors of that Civil Law, *Inimicus, etiamsi in articulo mortis constitutus, & accepisset Eucharistiam, repellitur a testimonio causa sui inimici*; We mention this, chiefly to shew that 'tis not only by our English Laws, that our Papists are rejected from being Witnesses of the birth of this pretended prince against her Royal Hs, but by the ancient approved Rules of the Civil Laws that they generally acknowledge, and by the Judgement of their own Doctors.

Herein are only set forth to Your Hs the Laws of England, that you may justly insist upon as your Right to prevent the Church of Romes Conspiracies against you; We reflect not on the Credit or Truth of any Roman Catholic Lords, or others in giving their Testimonies in Matters of private Interests, wherein the cause of their Church is not in Question, and the Laws of their Church bind them not to either party; but since they are bound in this case to be Enemies to her Royal Highness, our Law will not allow them to be believed to her prejudice, and they most openly Renounce that Common Honesty, to which they pretend if they offer themselves to the Kingdom to be compacent Witnesses against her in behalf of this pretended Prince, when they are conscious to themselves, that not only our Laws, but natural Justice and Equity abhors such as practice.

We must say with all due reverence, and most humble submission, that Our Laws will not allow that the Declaration, or Testimony of his Majesty, or the Queen should be accepted, and believed in this case as lawful proof, that this pretended Prince was born of the Queen; 'tis sufficient for us, that our Laws will not suffer our Kings to descend into the place of Witnesses, they will not admit them to Testify their own knowledge of the Facts in any case whatsoever, Criminal or Civil, but there is abundant reason also from natural Equity and Civil Justice, that the Kingdom should not receive and rely upon the Kings Affirmation about the Birth of this supposed Prince; their Majesties have publicly Espoused his Cause for their own in all respects, and none on Earth, Kings or Subjects, may justly expect, or be suffered to supply the place of witnesses in their own case since Civil Government is established; If they might lawfully be their own proof for their cause, they might as justly be Judges of their own proofs; which in Consequence would turn up the Foundations of Civil Government; one of its chiefest Original Intentions being to introduce a course of Justice, that none might be their own Judges.

We would not speak thus plainly if it were justly avoidable, we call no Scandal hereby upon his Majesty, nor any way come near the Crime of Detraction, we barely relate the Law of England in this case of his Majesties Affirmation of the Birth of this pretended Prince, that it hath not the Force of Legal proof, or of the Testimony of one Legal Witness, and his Majesty is obliged in Ju-

Justice and Honour by his Office and Oath not to impose upon his Subjects to believe, and rely upon his Affirmation, or word in this case (nor on the Queen's, that's necessarily included in his) he cannot desire the People diffusively to change their ancient Customs and Laws to submit to their Kings Words, or Assertions in the Room of Sworn Legal Witnesses to prove the Matters of the highest Moment about the Government.

If the Kingdom should allow the Affirmation of their Kings to be sufficient, to make a Lawful Prince of Wales without such Witnesses of his Birth as our Law requires, they should consent to change the ancient Constitution of the English Monarchy, and to destroy the established Legal Security of their freedom, and Estates: The Laws of England in this Case are not Dissimilar from the Laws of other Kingdoms and the most absolute Empires; the Civil Law now received in most Christian Kingdoms, that was so adapted to absolute Government that it was one of its principles, that *Principis verbum pro Lite habendum est*, the Word of the Prince was to be taken for a Law; We say that Law never Ascribed absolute Credit to the Princes Affirmations of matters of Fact, wherein the Subjects Rights are concerned, It passeth for a Rule of that Law in such cases *Principis indistincte non creditur*, the Emperor is not to be believed indistinctly without limitations and restrictions, in his affirming Matters of Fact relating to his Subjects Legal Interests and Securities.

The Learned Doctors in that Law determine, that the Emperors Affirmation that a Subject hath committed Treason, or Rebellion against him, ought not to be believed, or taken for a proof; they say expressly, *Regi fides non adhibetur si attestatur solum fuisse proditorem*. likewise if he pretends and declares a cause why he deprives any Subject, or Feudatory of his Interest, he is not to be believed, there must be proof, and the parties intended to be prejudiced must be cited and heard in their defence.

They Generally resolve, that when a King asserts or attests any thing to the prejudice of another, he is not therein to be believed, especially when his affirmation is for his own advantage and to the Subjects damage, or Inconveniency; these are their Words *Quando ex assertione Principis ipse principaliter sentiet commodum & subditi incommodum tam ipsi principi non credunt*.

The Emperor Henry 9. of Germany had a due sense of the Justice and Reason of the Law hereof about the year 1200. he did not expect that the People should believe the Affirmations of himself, and his Empress Constantia about the Birth of a Prince, whom there was a rumor and suspicion that Constantia was past her Age of Child bearing, and signified a great belly she gave the people plentiful proof by Witnesses more than Reason required, He prepared a most publick place wherein she remained expecting her time of delivery *Ventre custodito*, with publick watchers, or keepers, that no supposititious Child might possibly be Conveyed to her, and there in the sight of the people of the City, and all the Matrons, that would and could possibly approach her (none being Excluded) She brought forth a Prince, that was afterwards chosen Emperor Frederick the 2.

If it were needful we could shew Your Hs. that the Honour and Security of our Royal Family of England with the peace and Safety of the Kingdom, were intended in the Constitution of our Legal Monarchy in such manner, that the Kings should not have power at their will to change the Succession, or by any means prevent the Descent of the Crown to the next in Blood; but if the Kingdom should believe his Majesties Affirmation of this supposed Princes Birth without proof thereof, according to the Laws and Customs of England, the next Succession were Really and Actually thereby put out of the Legal Course, and referred to the will of the King, which is in effect to make the Crown patrimonial, whereas by the Laws and customs of England the Right to the Crown descends to the next of Blood, and the Successor is most properly to be filled the Heir of the Kingdom by Force of the Kingdoms Laws, and cannot be Defeated of the Succession by any Act of the predecessour; If therefore the King should gain so vast a power by imposing on the people to believe his Attestation of this supposed Princes Birth; 'tis manifest that natural Justice as well as the Law of England makes it of no Effect to the prejudice of her Royal Highness in her Esteem of being the Heir apparent of the Crown.

We believe the *Jesuits* and other maintainers of this Supposed Prince, will claim (as is their common practice) against these our Laws, whose force detects and defeats their impostures; they will pretend, that 'tis unreasonable to expect a Testimony of his Birth from such Witnesses, and in such manner as are herein described; exclusive of all *Roman Catholics*, but the Reason & Wisdom of these Laws are irresistible, and its a great Circumstance, shewing their guilt, that they are displeased with the Laws that prevent Falshood and Impostures, and require proofs of Facts as clear as the Sun.

The just and innocent are never offended at any Law that provide for Truth and Righteousness, they cannot but be conscious to themselves, that it was more easie to have provided such Witnesses, as our Laws requires of a Princes Birth, than to have had such as they provided, that would Counterfeit to be Spectators, and be content (as 'tis now said they were) to see nothing of the Fact of which they were to be published to the Kingdom, to have been the knowing Eye-Witnesses.

'Tis notorious, that the presence of ten of the *Protestant Nobility* of either Sex, & other Persons of Eminent Quality might have been as easily procured, as one of the *Catholics*, if it had been intended to deal justly and Fairly with the Kingdom, and they know that the *Protestants* throughout Europe (not the *Papists*) wanted and desired Satisfaction, about the Queens great Belly, and her delivery, the suspicions of the Counterfeit Prince, were strong amongst them, and decry'd by all the *Papists*, they knew the Friends, and those of Consanguinity with her *Royal Highness*, were as ready to attend, if they had been called, as any *Catholick* whatsoever; and they were not ignorant, that Custom, Law, and Natural Justice required, that Convenient Notice should have been given to her *Royal Highness*, above all others, of the expected Time of the Queens Delivery, that such Noble Matrons as she had thought Necessary, might have been sent to have Continually Attended near her Majesty, and to have been impartial Witnesses of the Birth, beyond Exception: they understood the Custom of calling Embassadors to be present at the Queens Delivery, and that a common Fame, of a designed Imposture, was spread in Forraign Protestant Countreys, and that there were *Envoys*, and publick *Ministers* from some of them, Especially that the *Dutch* had an *Embassador* there, and expected to have been called: They know that those Provisions, for Legal, unquestionable proofs, of the Birth, that was pretended, had been no hinderance of the Presence, or Assistance of as many *Papists*, of each Sex, as Her Majesty had desired, and she might have as intirely depended upon their only help, if it had been her pleasure, as if those lawful Witnesses had not been present.

The *Papish* Councils delude His Majesty, if they persuade him, that any pleas of Inadvertency, Neglect, or Ignorance can satisfie the Kingdom, in stead of the Proofs, in the Case that the Custom and Laws of England require: 'tis a Rule of our Law, that none shall make advantage of their own lachez, that is their Failers, or Neglects of what they ought to have done; less evidence is never to be accepted in our course of Judicature, because the Party concerned, was negligent in seeking it, or ignorant, when he might have known his duty.

We presume, Your Highness, in reading this may be satisfied in the Truth of our first Preliminary Conclusion, which is necessary to be always remembered, in order to a Just Judgment to be made of this Supposed Prince of Wales, and of the things proper to be done by Your Highness, by reason or occasion of his pretences; we doubt not Your

Highness will clearly perceive, what you may in Justice demand of His Majesty, in the Case, preserving nevertheless a most pious sense of filial Duty.

We may more remember Your Highness, that as the Case now appears, no acknowledgment of that pretended Prince, can justly be required of your Highness by His Majesty. It's contrary to Justice, and our Laws, that her Royal Highness should depart from her place, and claim of Heir apparent to the Crown, and resign it to a Child, who is not yet lawfully witnessed, to have been born of the Queen. We therefore put your Highness in remembrance of a second Conclusion, fit to be premised in this Case, as an absolute certainty to be insisted on; that is,

That neither the Laws of England, nor any Natural or Civil Justice do require of your Highness any kind of Testimonies, or proofs, that the pretences of this supposed Prince of Wales, are false and feigned, or that he was not born of the Queen.

Whosoever claims to be the Natural and Legitimate Son of any Family, it's wholly and solely incumbent on him, to prove it by the Laws and Customs of all Civil Government, & by the manifest Light of Nature; those two Rules of the Civil Law are adopted by all Countries, into their courses of Judicature, *Qualem quis se facit, pro fundamentis intentionis sue saltem se debet probare*; and, *Filius qui petit hereditatem tanquam filius debet probare filiationem*; if Sonship, or other Quality, or Relation, be the ground of a demand, that Foundation must be always proved by the demandant; if he that pretends to be Heir, by his Birth, to any Inheritance, fails of such sufficient witnesses, as the respective Laws of Countries require to prove his proximity of Blood, there needs no Testimony on the part of those that deny his Lineal Descent. The Course of the Law of England is known to most Englishmen, in the Tryal of all Claims by Birth: the claimant is always put to prove all that he sets forth of his Descent, in his Declaration, and the least defect of proof is fatal to his process, if the Defendant perceives the plaintiff to want sufficient Legal Testimony of his Descent and Birth, he never troubles the Court with proofs on his behalf, 'tis enough for him that denies the Descent pretended, to shew the insufficiency of the Witnesses, and their Testimonies produced to prove it.

Your Highness is not obliged, either by our Laws, or Natural Justice, to have Witnesses to prove the pretended Prince of Wales to be an Imposture. Her Royal Highness having been the Legal acknowledged Heir apparent of the Crown. Unless such Lawful Witnesses that he was born of the Queen, were known and published, as did satisfy the Kingdom, neither Your Highness, nor any Princes or States, may in Justice acknowledge his pretences, her Royal Highness ought to remain in the esteem of the Kingdom, & of all Princes and States, as the Heir apparent of the Crown, at least until a Prince shall be Legally known and declared; and 'tis a manifest wrong, to Your Highness, to the Kingdom, and to all the Protestants Interest, to suffer this supposed Prince, silently and submissively, without publick Complaint of the wrong, to assume the Name of Prince, and Heir apparent to the Crown.

When the Popish League endeavoured to set aside the claim of Your Highness's Ancestor, Henry 4., to the Crown of France, and proclaimed the Cardinal of Bullion to be King, he sent Agents to the Pope (tho he was then a Protestant) and to all the Princes and States of Christendom, to manifest himself to be the right lawful Heir of that Crown, and the Venetian State (to his vast advantage) consented it with the Pope's name, that they ought so to acknowledge him, because it appeared that he was the Right Heir.

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His Right indeed was to be *King* in possession, but there is the like Reason and Justice to support her Royal Highness Title to the Crown in Reversion, since another is set up, and declared throughout the World, to be the Right Heir of it, immediately after his now *Majesty*. 'Tis undoubtedly Just and Reasonable for her to demand, and expect, that the pretenders Birth (so much, and so justly suspected, should be made manifest to the Kingdom by Witnesses, without exception, according to the Law and Custom of *England*, and to Natural Equity.

It may be of dangerous Consequence, to suffer a false Opinion of him in the King-
dom, and the World, to gain strength by time, and neglect: yet neither Law nor Equity puts any burden of proof in the Case, upon your Highness: 'tis only incumbent upon Your Highness, to declare, the wrong to your Selves, and the Kingdom, by the pretended Prince, and to take care, that no Illegal, imperfect, or Fallacious Testimony, in the Case, be invented, or obtruded upon your selves, and the Kingdom, to support his pretences, her Royal Highness Claim and Right to be the next in Reversion, after His now *Majesty*, in the Legal Descent of the *Crown*, ought to stand unshaken, and unquestionable in the Judgment of our Law, and the Kingdom, notwithstanding anything to the contrary, that hath been hitherto lawfully published or declared.

We cannot doubt, but 'tis here made manifest, that Your Highness publick refusal to acknowledge this pretended Prince of *Wales*, may be built upon such sure Foundations of Law and Justice, as can never be overturned; we would not therefore trouble Your Highness, with all the Circumstances of the Case which we have remarked in our Observations, that make it to us not only Improbable, but Incredible, that he was born of the Queen, since 'tis not possible for us, to send Witnesses personally to prove to Your Highness every Circumstance that we have Noted, and it's not Just, that Your Highness should take them up upon unknown Authority, since we cannot in prudence subscribe our Names to this Memorial, nor so much as the Names of our Witnesses to the Facts; since the Proofs of the Circumstances can never be a Foundation of positive unquestionable certainty, but can only serve to make the Falshood, and Jesuitical contrivance, in this imposture, more infamous and odious; since 'tis undoubtedly Your Highness Interest, never to depart from the manifest Principles of Law and Justice, which put it wholly and intirely upon the Maintainers of the supposed Prince to prove him to be such as they pretend, with the highest humane certainty that can be acquired by Witnesses, and to the Kingdoms full Satisfaction.

And since 'tis notoriously known, that above all others of the *Roman Church*, the *Jesuites* (which in this Matter, will most earnestly contend against Your Highness) have the greatest affronted Confidence to deny, and forswear Matters of Fact, however certainly proved and known, and they would be glad, to have any thing offered in this Case, that might give them room, or a possibility for dispute and seeming doubtfulness of Fact, that they might obscure the Truth, and deceive some of the People, with their Equivocal Affirmation, and impertinent Cavils at Your Highness Witnesses, or their Testimonies, and their bold Asseverations of Falshoods.

Upon all these Considerations, we shall restrain from the relation of many very pregnant Circumstances, that we had collected, which, if they were taken jointly, in their natural Order, and due Connexion, would by their united force, strongly induce impartial Judges to conclude, that the Queen could not be the Mother of the supposed Prince.

We could give very great Circumstantial Assurances to Your Highness, that there never was, or appeared to be, any reasonable natural Grounds for a belief, that her Majesty had conceived a Child. She never had the first, most natural, known, and common sign of Conception; her *menfes profluvium*, or *Termes*, continued their usual uncertain Course, as formerly, during the whole time of her pretended great Belly; She did not conceal, that it was with her after that manner of *Women*, in her journey to Bath; nor that they continued some days, after the King left her there; and all the industry used afterward, to hide them in their Seasons, proved ineffectual, because those things come to the knowledge of more than were made privy to the whole Imposture designed.

Her Majesty having not that Natural Sign of her *Termes* stopping, whereby *Women* usually conclude themselves to have conceived. from whence She could make a reckoning, it seems by the Kings Speech in Council, that their Majesties had both thought fit to publish her Conception to have been at the time of the Present made to the Lady's Image at *Loretta*, upon the Kings return to the Queen at Bath.

It was then too soon for them to be provided of a supposititious Child, and so might name any time they pleased of her Conception, and then seek for a Child that might agree with it, and it appeared pious and great to make her Conception one of the Miracles of the Lady's Image, tho it happened Unluckily afterward, that they could not make the times of her Conception, and supposed delivery to agree with natures most constant time of Nine Months:

The Confidants and Advisors about the Imposture hearing the voice of Common Fame upon the Kings Declaring when the supposed new born Child was shewn, that he had now a Son, a strong and lively Prince, the meanest child bearing Woman that were disinterested, saying thereupon in mockery, that such a child of about eight Months was as great a Miracle as the Queens Conception had been reported; we say, the Confidants fearing it might make the whole story less credible and help to detect the fraud, they have perswaded her Majesty to declare, that she hath miscounted the time of her conceiving the Child, and that she knew very well, that she was with Child before her use of the Bath, by this new reckoning they thought that it might be affirmed, that the child was born at his due time, and might be strong, and lively, as His Majesty had said, and they thought it an easy sham to say, Women misreckoned very often.

But, it was unhappily forgotten that her Majesty had continued and expressly affirmed her first reckoning several weeks after her pretended delivery; it was forgotten that it was known sufficiently that her Majesty had her *Termes* in her Journey to Bath, and four days after the Kings going from thence, which was a manifest proof, that there was then no Conception; it was not considered that if it be truth that the Queen knew her self to have then conceived, as she hath lately declared; then it cannot be a misreckoning, and the meanest Physician she had at Bath would have told her, that if she had imagined a conception as she now says, *barbing* would probably destroy the Embrio.

It was not well remembered, how the King had declared with her Majesties privacy, the miracle of the time of her conceiving, quite inconsistent with her now Account, neither was it thought of in the now Council, how her Majestys Truth and Honor should be saved in her *Contrary Stories*, of the time of her conceiving even since her supposed delivery;

livery; but we need not mention that, since the world knows how little regard the *Jesuite confessors* have to truth.

Her Majesty shewed no grounds to believe her pregnancy by nature's progress there, in the common natural signs, that in four Months follow in every Woman, that hath a Child in her womb, were wholly wanting in her *Majesty*, there was no swelling, or increase of the usual proportion of her *Breasts*, nor was there any milk ever seen to be in them (tho one Lady took the confidence once to affirm it) the proportion of them was visibly the same to the Eyes of all that can be lawfully Witnesses, and were usually in her presence, and none of those Ladies proper to be Witnesses could ever obtain the satisfaction to see a drop of milk from her breasts, tho it had been *her Majesties Honor, Interest*, and pleasure to have shewed it, if there had been any reality in the pretence of her pregnancy.

We put this Circumstance into our memorial not without some Mirth in our meeting, because one of our company said, he was now sure that neither her *Majesties Physicians* nor the *Jesuits* were natural Philosophers, they might, said he, with very little art have caused *Queens Breasts* at her age to have swelled with milk so plentifully, that she might have easily milked it forth in quantity in the sight of the *Princess of Denmark* and all the Protestant Ladies of the court; it may be done (said he) in rational, or animal Creatures; and he gave us instances of undoubted credit, wherein it had been done to his knowledge and a child suckled, and to divert us he offered to shew it in an animal, he having also tried that experiment, and thereby milked out the Milk from a young Creatures Udder that had never been with young; another of the company said, met-merrily if that were so easy an Artifice, he wondred that the *Romish priests* had not learned it, since 'tis known to the world that they have long had the Art of keeping the *Virgin Marys* milk above 1600 Years, and of multiplying the quantity of it from Horse loads to Cart-loads to disperse among their credulous vulgar.

We humbly pray your Highnesses pardon, that we seem herein lesse serious than so great a Matter requires, we speak only the words of truth and soberness, but the comical tricks of the *Romish priests* (that commonly end in Tragedy) force us to represent them as they deserve.

There's another known sign and Testimony of a Woman's pregnancy, that is, the sensible stirring of the child in the Womb, that was expected her *Majesty* should have shewn to the Ladies with joy, especially to those *protestant Ladies* of her Bed-chamber, that doubted (with the protestant Dr. her then physician) her being with Child, as far as they durst (when the quickening of a child in her womb was pretended, and published throughout the Kingdom, it had been a pleasure to her *Majesty*, &c. no trouble, if it had been real without deceit) to have shewn the motion of a child in her womb to honorable Matrons of her Bed-chamber, that might have been in all respects lawful Witnesses of that truth to the Justly Jealous Kingdom; these might have touched her belly, and had been proper Judges from their Experience of the true motions of an infant in the womb, and some of consanguinity to the Heiress apparent might have been admitted to that favour, as our *Laws* and common prudence directed for removing the Causes of Jealousy; but however industriously her *Majestys* quickning with Child was spread abroad, yet the feeling of its motions was never vouchsafed to any competent Witnesses of it, to give the suspicious Kingdom a ground to believe, that she was with Child.

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The next visible and manifest sign of the true natural progress of a great belly, is the distention of all the parts of the Body, that incircles and encompasseth the womb, such is the Place and manner wherein nature hath prepared the lodging of the growing child in the womb, that according to its growth, and increase, and the quantity of liquors, that are naturally and necessarily congested there, so are all the circumambient parts gradually extended, and enlarged to make room; there never was nor naturally can be an Extension only of the *Peritoneum* the Rimm of the belly to give room to the Child, all *Naturalists* and *Anatomists* know that it in that manner no Child could keep its natural size in the womb nor be born alive.

All men and women, that ever observed Women great with Child, know that all the parts that inclose the cavity swell until the time of their delivery approach; but this natural necessary sign of pregnancy so intirely failed in her Majesty, that skillful Spectators of both sexes wondered; that barter arts were not used to make that visible sign, and appearance of the growth of a Child in her womb, we were satisfied by skillful *Mistresses* of great Experience, that attended on purpose to observe her Majesty exactly, that all the outward Parts of her Body that encompassed the womb were of the same proportion that they were at other times, save only her belly which was exceedingly copped up and high; that shewed like a great bellied Woman to them that looked upon her Majesty before; but said they, when we saw her Majesty walking and looked upon her behind, and on each side, we saw not the least appearance in her of a great bellied Woman, we took care to have the fashion of her Majesties Body observed by skillful Women at several periods of time during her supposed pregnancy, and once a very short time before her pretended Delivery, and we had always the same accomp, we have here faithfully given Your Highness.

We compared this Circumstance with another that we have marked, whereof we had from time to time full assurance, during all the four last Months time of her Majesties supposed being with Child, those being the Months wherein usually all the circumambient parts of the womb swell most, we were very well informed that in all these Months Her Majesty, contrary to her former usual course, always withdrew from her Chamber, and retired into her Cabinet, or some other private room, with two or three *ladies* when she changed her Linnen, and would never permit any one of the *Protestant Ladies* of the *Bed chamber* to see her change her Linnen, as they had constantly done.

Those two circumstances explained each other, and plainly shewed that the natural naked and true shape of her Majesties Body, as it was then, was not to be seen by those that were not of the confederacy in the intended imposture; those that were only capable of being lawful Witnesses for her Majesty against common Fame (if Fame had belied her) those were all excluded from a possibility of seeing whether her belly was truly and naturally great, and a few foreigners of no quality were only to keep the Secret of what her Majesty was to make the coping belly.

Nothing can be more manifest than it is by all these Circumstances taken as they ought in connexion each with other, that there hath nothing appeared of the natural plainness and simplicity that always accompany truth in the whole Demeanor of her Majesty from the time of her pretended Conceiving a Child to the very time of her *signed delivery* of this supposed Prince of Wales; all that hath been acted in the matter, hath plainly imported *Trick* and *Deceit* to hide and smother Natures Works, that ought to have been most freely exposed to the whole world; if there had been any truth in the

pretences that could have born the Light, we may securely affirm to your Highness, that in all the eight months and four Days first reckoned to have been the time of Her Majesties pregnancy, or from the time of her going to Bath in the new Reckoning, there never hath been any of these constant natural signs in her Majesty that could afford to any understanding Man or Woman a ground to believe that She conceived a Child.

The progress towards finishing the Intended Imposure of this *prince of wales* hath been answerable to its beginning. in the preparation for her Majestys Supposed Delivery there hath been no regard to the Rules of natural Equity, or Law, or common prudence, nor any appearance of that open Freedom and naturally plain proceeding that ought to have shewn that they did not fear the Kingdom, or the World knowing the Truth of all that should be done in that pretended natural Work of bearing a Child, wherein the whole Kingdom, and so much of the World was concerned; If the Customes and Laws of England, or natural Equity had been consulted in the Circumstances of the Case about the preparations needful for her Majestys expected Deliverance of a Prince, the first of all Advices had certainly been to give early Notice to your Highness and to others in the nearest possibility or expectance of Succeeding to the Crown of the time of her Expected Travel and Deliverance of a prince, and of the place of her residence at such a Time. That proper Noble Matrons, and others, might have prepared themselves, and attended there and have been present in their behalf, which might have suppressed and silenced for ever by their Testimonies all suspitions of Fraud or Imposure.

But it is not only undeniable, that no such notice was given either to Her Royal Highness or to any of Consanguinity with her, nor to any other of the Noble Matrons of England, but such Artifices were used as might conceal the Time and intended place of her pretended Travail, such feigned time of her supposed Conception was published by the King and Queen, that neither her Royal Highness nor any of the Nobility could possibly foresee the Time when the Comedy that is now said to have been Acted, was to begin.

The Place where Her Majesty was intended to ly in, was kept in such unceasantry, and often published so variously, sometimes that it should be at Richmond, sometimes at Windsor, another time at Hampton Court, that none of the Nobles of either Sex, that were of the Kindred and Friends of the Heir apparent, nor of the Protestant Nobility, could know how to prepare themselves for attendance on Her Majesty, as was their duty to Their Majestys, Her Royal Highness, and the Kingdom.

As the publication of the place was often changed, as if a Surprize in the place was Designed, so at last such a Sudden and Seemingly hasty Resolution was taken a day or two before her pretended Delivery, that her lying in should be at St. James's, tho none expected the time to be near by above three Weeks, that Commands were given for preparing Her Lodgings there so hastily, that when Her Majesty laid on the Fryday, She would ly there on Saturday, and it was told Her it was not possible Her Lodgings should be ready, She then said, She would ly there on the Floor.

It was hoped by all the protestants that the prince of Denmark, would have been a faithful Watcher for her own Sake, when the time of her Majestys Deliverance of her Great Belly should come; tho She had not been able, or She durst not give them advice of the Occurrences in the time of her Majestys supposed pregnancy, It was thought that she could not be avoided but she would be present to see what was brought forth, whether any thing or nothing; but care was taken, that advice should be given her, when she wanted a stringent Medecine, to go to the Lodenning Waters of the Blath, to keep her fourscore miles distant till the pretended prince should be born.

At the first notice we had of her Majestys supposed Declaration, that she would ly at St. James's on the Saturdays Night, we could not conjecture that there was to be a pretended Prince brought forth on the Sunday; nor was there any Whispers of it, or the least natural feigned or counterfeit Sign of fore-running pains of a Woman, whose times of Travail approacheth. Her

Majesty was late in the night at Cards, and no appearance of an indisposition then; nor is any pretended so have been in the night, but we learned by the event on the Sunday the reason of her *Majesties* fixed and immovable resolution to ly at St. James's on the Saturday night, she was to seem to bring forth a Prince on the Sunday.

There was a cunning contrivance to choose a fit time of that day, it was to be between the hours of nine and ten in the morning, that all or most of the *Protestant Ladies* might be at Church, and the Trick be over before their return, and that the Midwife *Mrs. Labany*, and the Favorite *Mrs. Tourain*, might have freedom and secrecie, as they had, to act their parts in the bringing forth of a *suppositious Prince*.

The Room also that was chosen, wherein the Trick was to be acted, was fit for the purpose, and contrary to the Rules of *Common Prudence*, to be chosen in a case suspected for setting up a *suppositious Child*, and ought to have been avoided, if their meaning had been just and good; there was a privat Door within the Ruel of the Bed, into a Room, from whence a Child might be secretly brought, and put into the Bed, unseen by any that should attend in the *Queens Room*, tho at the feet of the Bed (none of them coming into the Ruel) and by that Door the three Confidants, the Midwife, *Mrs. Labany* and *Mrs. Tourain* brought into her *Majesties* Bed what they pleased unseen.

If they had wanted no secret conveyance by that Door, common prudence required that they had nailed or sealed it up, to avoid confirming and increasing the *Kingdoms* just and known *Jalousies* of imposing upon them a *Counterfeit Prince*, when it should be known, that there was such secret ways as made it so easie to be done by Confederation, undiscerned by others that were in the Room: but it appeared by the Event, that the privy Door was so necessary for the *designed Imposition*, that all the Transactions of it were managed by that Door, as is well known to all those Lords of the Council that were brought for a shew, not to see any thing that was done, but only to be seen in the Bed-Chamber with his *Majesty*, that their Names might be published to the people, as if they had been Witnesses of the *Queens* being delivered of this pretended Prince.

The Civil Laws provided, as a Rule of common natural equity, that when a Woman was to be delivered of a *Posthum Child*, that might defeat another appearing Heir, that the Chamber wherein she was to be delivered should have but one Door, and if there were more, that they should be Sealed up with the Seals of both parties, and that Keepers should be set at the single Door, and no Woman suffered to enter until she was searched in all kinds, that no Child might be conveyed to the Woman in her real or supposed Travel; and tho we have no expresse Statute that gives direction in such cases, yet our common Law abhors all appearance of Fraud about Inheritances, and hath appointed twelve of the most able Neighbours to judge of all the Signs and Appearances of Fraud, and setting up Counterfeit Heirs, who may also judge upon presumptive Evidence, and reject any pretended Heir, where they see signs of Fraud and Imposition whereupon to ground their Judgment, and every one must at his peril take care that there be no grounds of suspicion given of a suppositious Heir.

We have faithfully shewed your Highness what were the preparations for her *Majesties* supposed time of Travel, wherein there appeared no marks of an Intention to deal uprightly and openly with her Royal Highness, as Heire apparent of the Crown, and with the Subjects of the Kingdom, nor was there any natural Signs that her *Majesty* really feared or expected the common Sorrows, Pains and Danger of a Woman in Travel, or made any suitable provisions.

We cannot learn, that there was in readiness so much as the usual Instruments of Midwives, whereupon they commonly place all Women of Quality in their time of Travel, that such Assistance may be given them by the *Matrons* and *Midwives*, as is not possible to be given on their Knees, which is the common posture of meaner Women, and least of all, as they ly in their Bed, which is seldom used until the length of the Travel, and the Failures of strength enforce it. There being many Natural Reasons for the Posture of the Womens Bodies, helping them in their Travel.

Amongst other suitable provisions, it had been certainly fit that a Colledge of Physicians had been called, to attend some-where near to her *Majesty*, if she had not known there could be no need

head of them, and the being sure there could be no hour of danger to her self in a *second Travel*, nor any sudden need of Physicians Advice, or help to a strong lively *supposed Prince*, that was intended them to be brought forth.

As all the preparations for her *Majesties* supposed time of Travel, discovered to knowing and observing people, that there was no reality in her pretences made of a great Belly, so the *Fiction* and *Fraud* was made more manifest when the *Trick* came to be acted.

Her *Majesty* lying in Bed with all the Curtains round, clois drawn, all that was provided belonging naturally to a Child, and intended to be used by them, in their bringing forth the *suppositions Prince*, being prepared and ready within the Inner Chamber, then her *Majesties* feigned Travel began, and all these things were by the help of the Midwife, Mrs. *Lahay* and Mrs. *Tourain*, the Confederats brought thorow the Door in the Wall by the *Queens* Bed, and put between her Sheen, that is, a Child, and all that naturally attends a Birth, then the Midwife and the Confederats seemed very busie about her *Majesty* in the dark, none seeing what they did, and being afraid, as appeared by the Midwives words, that the Child, which was prepared to sleep, to prevent its crying before it was got into the Bed, should be stifled by the closeness of the Bed, they were forced to hasten the *Queens* pretended Delivery, even beyond what was reasonably to be believed, notwithstanding all that could be said of the *Lady of Loretta*, or any other *Saints* assistance, therefore the *Queens* supposed Deliverance was in very short time.

But nothing appeared in her *Majesty* like the real natural Travel of a Woman in Child-bearing, there were none of the usual Natural Signs in her *Majesty* of being in real Travel, which cannot be hidden, there was no appearance of an approaching Travel, by various intermitting Pangs, usually very great, by the Infants struggling to free it self of the Womb, no shew of the pains naturally and gradually increasing, as more of the Ligatures came to be broken, or rent, whereby every Infant is safely retained in the Womb, until its full growth and appointed time, there were no Signs of her *Majesties* known weakness in bearing such Pangs in her state of Body, debilitated with long lingering Infirmities, there were no signs of a violent Eruption of an untimely Birth from the Womb of eight Months and four Days, as her *Majesty* then reported it to have been.

All that was to be feigned was suddenly dispatched, and the Midwife delivered something clois covered to Mrs. *Lahay*, which could be nothing but the Child they had put in, and went with it together through the Privy Door in the Ruel of the Bed into the next Room, in so great haste, that it was not considered how plainly it might discover that it was a meer feigned counterfeit Travel of the *Queens*, if the Midwife durst quit her attending and assisting her *Majesty* in these Moments, when there was the greatest necessity of her skill and assistance in her Office, and the most extreme danger of her *Majesties* Life, by any neglect of her, if she had really brought forth any Child, as they were obliged to pretend.

In stead of fair open freedom in shewing that the *Queens* was really delivered of a *Prince*, which our Customs and Laws and Natural Equity required, that all those Works of Nature might have been seen and testified by *Noble Matrons*, their pretended Birth of a *Prince*, and all that they did about it was done in the dark, with the Curtains clois drawn round about the Bed, and under the Coverings of it, and none of either Sex permitted to see any thing done about her *Majesty*, or her supposed Child, save only the Confederats, no others of those in the Bed Chamber, that drew as near as they might, were suffered to see what was taken out of the Bed, being something wholly covered, and immediately carried away by the privy door.

All hearkened after the common and most constant natural sign of the Birth of a living Child, that is, its crying, but we are fully assured from divers Lords of the Council, and others that were in the Bed Chamber, that the crying of a Child was heard by none there, when the pretence was that a Child was born, tho the Midwife would not at first say it was a *Prince*.

We have related to your *Majesties* no Circumstances but such as are notoriously known, or could be justly proved before any impartial Court of Judicature, and therefore we will not offer to your *Majesties* those Conjectures (tho we have them from good hands) of what was acted about the pretended Prince in the Room from whence he was brought, and to which he was carried before the Lords of the Council, or any others were told, that there was a Prince born, but

we have is of certainty from those that were present, that during the whole fictitious Travel of the *Queen*, and a considerable time after it, his Majesty kept those Lords of the Council that were called, not far from the feet of her Majesty's Bed, that was close shut up, and they neither saw nor heard any thing about the Birth of the supposed Prince, whom they can be lawfully Witness to the Kingdom, yet the Actions of this whole Imposture had the confidence to publish forthwith to the Kingdom by Authority, that these Lords and many Ladies of quality were present at the *Queen's* delivery of a Prince, equivocating therein like the *Jesuits*, and fully insinuating to the people that those Lords, and many *Mistresses* of the Nobility had been such ocular Witnesses, as our *Learned* request of the *Queen's* being delivered of a Prince, whereas in truth all that were one of the Confederacy walked so no more purpose than if they had been ten miles off her Bed Chamber.

After long waiting his Majesty left them, and retired into the inner Room where was Mrs. *Lester* and the confederates with the supposed Prince, and it was soon after said to the Lords that a Prince being born there was no more need of them, wherupon several of them went away, and whosoever was done in this way a Child to those that stayed, was not worthy of our inquiry since it could be of no use to Your Majesty or the Kingdom.

Yet we carefully observed and inquired after the *Queen's* supposed Deliverance of a Prince, whether there were any natural demonstrable signs in her Majesty, that she had newly born a Child that had broke its way by Violence into the world before it was time as she then shew'd, some of us know well the usual and Necessary consequences of such force upon Nature in Women of such tenderness, and weakness as her Majesty, we Expected to have heard of her great weakness, and danger of her life by a *Poyson*, that Commonly attends such untimely Births, we inquired after the danger of her Majesty's breasts by the usual redundancy of milk, because one had reported so long before that she had plenty of it in her breasts, we employed Proper persons to ask other Women had the Honor to draw her breasts, or whether any applications were made, to her breasts to pull or stir the Milk, and also to ask after the good progress of her Majesty in the natural *Changes* that follow a Child bearing, and of her strength in bearing these untoldable consequences whereby all Women of her Majesty's tenderness, and weakness are greatly debilitated, but we could not learn by our most diligent inquiry that there was any appearance of those natural Effects of Child bearing, nor a good Doctors skill might have easily feigned it thus to the delusion of all about her Majesty's court.

We have now given your Majesty an abstract of many of the Circumstances which we had Collected in this story, and must freely confess, that we cannot observe from the beginning to the end of it one honest step of sincere plainness, all that hath been done therein from the *Queen's* pretended Conception to her supposed Delivery of a Prince, hath shew'd delects, and intentions to hide the truth of those natural things which they were obliged by the Laws of England, by natural Justice, and by their own Honor, and Interest to have made demonstrable or proveable by sufficient Witnesses to all the Kingdom, if there had been truth in their pretences.

There hath been such a total neglect, slighting and disregard of all the necessary rules of Law and Justice about needless Witnesses of the Birth of a Prince and Heir to the Crown (who may learn the truth of the Kingdom suspected their setting up a *Constitution*) that it looks like a conjuncture of the *Highway* and the whole Kingdom, in a satisfaction were due to her Majesty in her admission of an Heir to the Crown before her, nor in the Kingdom in their solemnly denouncing of a Prince to be the next successor to the Crown.

The most modest Judgment we can make of it, is to think that a blind zeal (always nourished by the *Roman Church*) to settle a *Popish Succession*, hath made them break through all the rules of Righteousness and Equity and cast down all the manual afflictions of a Father to a Child; so do, a ferocious and Church-like by their *Doctrines*, *Instructions*, *Exhortations*, *orations*, *and* *sermons* for the *Highway* and the *Highway* considering all these circumstances mentioned if you will please to call to mind the occasion and time, when this design was first resolved to set up a Prince or heir her Majesty of the immediate succession to the Crown.

We pleaded to remember that it is before observed, that the going to the Bed, and the rest

Mr. *Winfred Wall*, and the Present made to the *Lady* were preparations for a report of the *Queen* being with Child, and were all concluded upon about the *14th of August and beginning of September 1687.* and then was *your Highness's* compliance with the *Popish* design desired of.

The contract of Mr. *Stewards* Letters to *Miss Her Page*, which we last now had printed confirms all our memorials to that Matter. He was pardoned and chosen by the King to have persuaded your Highness, to a consent that the *Primal Laws* and *Tith* should be repealed which had been a full establishment of *Papery*; in his two first Letters of *July* he seeks to persuade your Highness, that the King was resolved to preserve, and observe the true right of Succession to the Crown, and was very desirous of *Your Highness's* consent and concurrence in his design, and troubled to find them to averse from him in his next Letters of the same *July* he pressed that *Your Highness* should have been disposed to hearken to a well chosen Informer to be sent by his Majesty to persuade your concurrence with him, and he pressed extremely for a hasty Answer, the new Councils for setting up a *Supposition* *Prize* seem then to have been begun.

That Letter seems to threaten what we now see if your Highness refused; he doubled his assurances to him that was to convince your Highness, that if you were obstinate (as they call it) he will be fatal to the dissenters, and be feared productive of his yet unheard of; and his Letter of *August 5.* seems to give your Highness your last time to choose the settlement of *papery*, or to resolve to be true to the *protestant Religion*.

He says, if your Highness did what was desired by the King, it was the best service to the protestants, the highest obligation on his Majesty and the greatest advancement of your own interest, that you could think on; but if not, then all is contrary. There can be no other meaning, in saying if your Highness refused, all is contrary; save only this that the protestants should then have no mercy from the *papists*; His Majesty would be so offended that he would become your Highness's Enemy; and it would be the loss of your Highness's greatest interest, that you can think on, which certainly could be no other than the full expectancy of the three Kingdoms.

As these Letters threaten that the King would destroy your Highness's greatest interest if you refused, so the attempt of it has since appeared.

It is now known that in *September and October* the *Revelations* were taken to publish that the *Queen* was with Child, but before it was publicly declared, that in *October 8* Mr. *Steward* says, he would use no more Arguments to your H^{ty}. but he then laments your Highness's loss of the time of Compliance: Alas said he, that providence should not be understood. Then in *November* he speaks more plainly notwithstanding your Highness's moderation towards the *Papists* and their *Chantry* was shewn by *Miss Her Page's* Letter, he says that all hopes of your Highness's concurrence in the King's *D. Act* was quite given over, and then were become as cold as their is your H^{ty}. were positive here; and upon his new Conference with the King, he not only shew'd King the dislike of that Letter, but says expressly, That your H^{ty}'s answer was too long delayed, and that the King was quite over that matter. There can be no other reasonable Construction of this, then that the King had then resolved of another way to prosecute the *Primal Design*, and since both now they are proved to the World that the way resolved on was to set up this *Supposition* *Prize* for a *Popish* Successor.

These Letters by the help of draw the Design when it was in *February*, and seem to make a judgement upon all the other Circumstances that we have mentioned; and no doubt an Evidence made up of all the Circumstances we have mentioned, in their Order and Connection were given no any impartial Judge; it would be judged as strong a presumptive Evidence as ever was given, and in the proceedings of our Laws against Criminals, judgement hath passed against the *Chief* of many upon far less Evidence. this being as full as the matter of the thing can possibly be in your H^{ty}. and the *King's* duty Case.

But notwithstanding all sort of Circumstantial Evidence be sufficiently forcible and convincing to an interested person, to prove this supposed *Prize* to be as *lawful*, and to say he does Circumstances of the same nature as known to your Highness, yet we must humbly pray your Highness, to vote nothing upon any of them, positively, as if you could neither prove nor know more about this pretended *Prize* than common Fame hath proclaimed without Contradiction.

It no ways belongs to Your Highness, nor to the Kingdom, to prove the Falseness of his pretences, or any Circumstance about his Birth, and it would be very prejudicial for Your Highness, to take upon you the burden of producing Witnesses and proofs, and admitting Your Highness Adversaries to dispute their force and sufficiency, when it belongs to them wholly and only, to bring forth such lawful Witnesses in due numbers as may satisfy your Highness and the Kingdom of the truth of their pretences; and 'tis an infinite wrong to your Highness and the Kingdom, that they have not done it long since, if there had been a true Prince born of the Queen.

Since 'tis the Kingdoms great concern as well as your Highness's, we are the bolder to propose that the Method of defence against the publick Injury be made according to the known Laws and Customs of England; that is, That an open free demand be made in the name of her R. Hs. as Heirs apparent of the Crown, and in behalf of all the People of the Realm, that there be forthwith declared and published to the Kingdom a sufficient Number for this case, of lawful Witnesses of either Sex, such as the Laws of England and Natural Justice require in the Case, who do testify, that according to the usual practice of their respective Sexes at the Birth of Princes, Heirs to Crowns, they were Eye-witnesses that the Child now called the Prince of Wales was naturally born of the Queens Body.

'Tis but just, regular, and modest for your Hs. to make that Demand, and your insisting upon it to be done immediately, without the least delay, and is no more than the Right of your Hs. and the Kingdom, that must be confessed by all that either know the Rules of natural Justice or the Laws of England: Our Laws require and Demand an entry to be made upon all Intruders into the Rights or Inheritances of another, there ought to be legal Interruptions made of all wrongful possessions however obtained. A long permission of an illegitimate Child to pass for a legitimate Heir, is of dangerous consequence to the true Heir of an Inheritance; 'tis a known Rule both in our English Laws, and the Civil Laws, *Tactus longo tempore praesumitur confectus*, he that remains long without answering any thing to an Intruders claim, seems to allow it.

We crave pardon that we must freely tell your Highness, that it hath been our astonishment, that your Highness have been so long silent, and have deferred to make your just demand, and that you have so long suffered her Royal Highness's Chaplains to pray publicly for this *supposed Prince of Wales*.

Your Highness's heart cannot desire the God of Truth and Righteousness to prosper such an Invasion of your own and the Kingdoms Rights, nor to bless the Imposture as such, being set up (tho' an innocent Child) to be a Tool in the hands of others to destroy the Protestant Profession, your Highness's claims to the greatest Inheritance, and the best Civil Government known in the World: We believe your Hs. to be true Christians, that tremble in the Worship and prayers before the Eternal Majesty, and therefore hope such a shew of owning him will not be longer suffered to be acted before the great God that searcheth all the hearts of Princes and Subjects.

If your Hs. shall first make this legal demand proposed, and Satisfaction therein be not given by the maintainers of the *supposed Prince*, without delay, then natural Justice and our Laws declare, that your Hs. demands reparation by the Publick Ministers of the King in all Christian Kingdoms and States, of the false News they have published of the birth of a *Prince of Wales*, and their Violation of her R. Hs. right apparent to the next Succession of the Crown.

When a wrongful clamour to be Heir of any Inheritance cannot prove his true Descent, the Court wherein he sues his Claim, not only rejects and damns his false Pretences, but openly declares the counterfeit tricks or forgeries that they observe to have been attempted to support the false Claim, and our Laws enable the Heir that hath been disturbed, to demand by his Action against the false Pretender, Satisfaction for the Scandal of his lawful Title, and our Laws further require his Prosecution for Justice against all the known Confederates in that intended Wrong and Fraud, for their several Crimes therein committed.

We are sensible, that most Catholic Princes have a prejudice to us in the Rights we Claim as English Protestants, not knowing our Laws and Liberties, and we have therefore proposed this two Demands to be first in order made by your Hs. in the behalf of her R. Hs. and the Kingdom,

that

that we might convince them, that we have Reason and Justice according to their own Laws and rules of right to seek your His Protection against the Kings practices (as they yet appear) in forcing us to stoop to a *Countess's* Prince, and to change the *Succession of the Crown* and the *whole Government*. Your His having therein a joint concern with us, and our Laws, and nature it self, call upon you to defend your own and the Kingdoms Right, to preserve the Succession of the Crown, as it is by the Laws established, which the King had no pretence of Power to Change.

But we must also humbly fly to your His: to protect us against the horrible destruction, made by the King of all our *Laws* for the Reformation of our *Christian Religion*, and our Security against the open professed and mortal Enemies of our Liberties therein, the King having declared to the World, that those *Laws* shall never hereafter be put in Execution; and to make our Case therein desperate, hath caused his Judges to justify him in what he hath done.

We must also pray your His. help against his invasion of all our *Civil Rights* and *Fundamental Liberties*, and his utter subversion of the free Government of *England* by its ancient Customs and Laws.

We cannot doubt but your His. will be convinced by this Memorial, that we have not complained of our Oppressions until they are become intolerable, nor sought any relief (save from God alone) until your His. justly expected Inheritance, and the very being of our Civil Government are in the most extremest danger of utter ruine.

We are and have been truly Loyal to the King, and never refused obedience to any of his legal Commands, or any whatsoever that could consist with all our other Duties to God and our fellow Subjects. We have been content to suffer personal Wrongs and manifest Injustice, and considered the Corruption of Men, that abuses and particular wrongs will happen in all Governments, and ought patiently to be born, whilst the Fundamentals of Civil Government and Justice are secretly preserved. Our Christian Charity taught us, that 'tis better that a few suffer wrongs, than to hazard for their just relief more effusion of Blood, or other mischiefs than can be recompensed by their obtaining Right. We know the *Jesuits* crafts might have clouded the Justice that might have been demanded in particular cases, and we have therefore staid until the Justice of what we pray, is become demonstrable unto all that are not corruptly and wilfully blind, or led blindfold by the *Jesuits* or their *Romish Priests*.

We are sensible that the King hath used the Name of the *Royal Authority* and *Prerogative* in all the *Lawless Powers* that he hath exercised, and we durst not pray your His. aid against his doings, if there could be reasonably any doubt or question, whether the things he hath done and dayly doth, might be authorized by the *Royal Powers* and *high Prerogatives*, which belong to the Kings of *England*.

'Tis most unquestionable, that the *Noble English Monarchy* and Government had a *Legal Foundation*, and was and is established upon *Customs*, *Franchises* and *Laws* peculiar to the *English Nation*. It was always free and independent upon all the *Powers* and *Potestats* on Earth; the Kings and the People are, and of right were always free and absolute to bind themselves by their own Laws, made by their joint consent, and not otherwise; they could never be bound by any others than themselves, but only by the *Laws of the most high God*.

A King of *England* ceaseth to act by the *English Kingly Authority*; or as a King of *England*, if he yield up himself or his Subjects to be bound or subjected to any other *Laws*, *Canons* or *Jurisdiccions*, than such are made or freely received by the mutual agreement of the King and the representative Body of the Realm in Parliament.

'Tis declared in the *St. 16. R. 2. 5.* that the *Crown of England* had been so free at all times, that it hath been in Subjection to no Realm, and that the same ought not in any thing touching the regality to be submitted to the *Bishop of Rome*, nor the *Laws* and *Statutes* of the Realm to be by him frustrated or defeated at his Will, to the perpetual destruction of the *Kings Sovereignty*, *Crown* and *Regality*, and of all the *Realm*. The Commons then prayed the King, and him required by way of Justice to examine all the States of the Realm, how they would stand to defend the Rights of the *Crown* and the *Realm* against the *Pope*, and it was thereupon ordained, that all that should pursue or bring any *Bills* or Instruments from *Rome* against the King's Regality or his Realm, should

should be put out of the King's Protection, and under apprehension, which as the Law then was made it lawful for any man to kill them.

Whereas the Stat. of 24 H. 8. 12. and 25 H. 8. 21. say, that the Realm hath been, and is free from Subjection to man's Laws, but only to such as have been devised and made within the same for its own welfare, or of their free Liberty received by their consent to them.

The King and Parliament, near four hundred years since, were so resolute to defend the Rights and Freedoms of the Crown and the Realm against the Imposition of the Popes Canons & the Jurisdiction and Powers, which he attempted to exercise, that notwithstanding they were Popists, yet they by the Stat. of 18 Ed. 3. St. 1. Rot. Parliament. ann. 38. declared the Pope to be the common Enemy to the King and the Realm, and so he stands now declared, and to the like purpose is the Rot. Parliament 17 Ed. 3. ann. 59. Tho these Statutes are not printed, their force is the same to make them to fall into the Condition of Enemies to the Kingdom that correspond with him or his Heirs.

It never was in the Power of any King of England to yield up or submit the Rights of the Crown and the Realm, and its Laws, Powers or Jurisdictions of any sort against the Will of the Realm in Parliament, so it was contested 500 years since R. H. 6. in his Letter to Pope Paschal, *Natum habet Sanctitas vestra quod ne virtute Ignominie Dei Idignitate Christus regis vestri Anglie non immixtur; & si ego (quod absit) in eam me dejectionem potestatem, iniquitatem meam & vices Anglia populus istius modo pateretur.* It is known (said he) to your Holiness, that whilst I live (by Gods assistance) the 1st Authority and Master of the Kingdom of England shall never be diminished, but if I should so do, I do abjure myself (which God forbid) my Nobles and the whole People of England would by no means suffer it.

King John indeed unworthily surrendered the Crown and Regalities to Pope Innocent third, and his Successors, and the Priest falsly put into that Charter, that it was by the consent of the Council of Barons, he bounden to hold the Kingdom of the Pope, and that by yearly Rent again; but when Pope Gregory the tenth in the third of Ed. 1. sent for that pretended Rent that Noble Prince justly answered, *Quid me vobis?* he was bound by his Oath in his Coronation, to preserve the Rights of the Kingdom untouched, and that he could do nothing that concerned the Crown without the Advice of the People in Parliament, which are there called *procuratores*.

So the 10 Ed. 1. and the Third, the Pope demanded the same Rents, and the King proposed it in Parliament, but they declared, that neither King John nor any other King had any power to put himself or the Realm and People into his Obedience to the Pope without their consent in Parliament, and that this was done by King John, it was more contrary to his Oath in his Coronation, and if the Pope attempted any thing thereupon against the King or his Subjects, they would resist him to their utmost power.

The same King Edward the third had only negligently suffered the Popes power to be too much used in the Kingdom, contrary to the Statute of Carlisle 35 Ed. 1. as appears by the *Parliament Roll* 16 Ed. 3. ann. 48. and the Commons in Parliament complained that the Treasure of the Realm was transported to Spain, and the Secrets of the Realm discovered by the Popish Priests late bishops, and they required of the King (some Mercy for that they as they could not would, my longer bear those wrong oppressions, or else that he would help them to get rid out of this Realm the Popes power by force, and thereupon were applied against many of the Popes power in this Realm those severe penal laws of 25 Ed. 3. 27. Ed. 3. 1. 28 Ed. 3. Stat. 1. 2. 3. 4. which our King hath now declared shall never hereafter be put in Execution.

That victorious Prince Ed. 3. who asserted, yet pretended to no Royal prerogative of depending the Law made by the King and Parliament against the Pope, he Collection in that Statute of 35 Ed. 3. against the Popes power that he held for being not annulled by Parliament, and therefore he was bound by his Oath to be the same as a Law of the Realm, and that by Justice and Reasonableness he had been exempted to the contrary.

The effects of the Romish Jurisdiction in the Realm were looked upon as they are related in that 25 Ed. 3. 1. It would be manifest, that the King that would put the Kingdom into such a State,

Lays slide thereby, his *Kingly Office and Dignity* whilst he pursues these intentions: that Statute is, that by the powers exercised by the *pope and Court of Rome*, and the Dependence thereof, the good ancient *Laws, Customs and Franchises* of the *Realm* were greatly impeached, diminished, and confounded; the *Crown abated*, the *treasures and riches* of the *Realm* carried away, the *Industrious and Serious* of the *Realm* impoverished and troubled, and the great *Men and Commons* in *Rodine* and *Goods* diminished; surely there can be no doubt whether the *King* hath any *Royal Prerogative* to enable him either to stop or Extenuate these *great* wrongs that prevent the *Kingdom* from falling back into such a *desolate Estate*, or to attempt by *patience* of *Liberty of Conscience* for the *Rambling Priests and Ecclesiasticks*, and their *Practices* to enable them to work all the mischief they can against those that would save the *Kingdom* from such *Miseries*.

Your Highnesses may be absolutely certain, that the *King* acts not by virtue of the *English Royal Office or prerogatives*, in his authorizing *Treasons* to be daily committed against the *Realm* by the *Statute of 13 Edw. 2.* they thus give or receive any *Abolition or Reconciliation* to *Treason* by the *Pope's Authority*, or any of his *Priests* which the *King* liceneth and authorizes to be done continually, those are declared *high Traitors* to the *King and the Realm*, and no doubt *Treason* declared by a *Statute* against the *Realm* are common nuisances of the highest Nature and mischief; 'tis the trust of the *Royal Office* to prevent and punish them, and 'tis directly contrary to the *Kingly Office* to assume power to authorize or license such *Crimes*.

'Tis unquestionable that no *King of England* ever had power to grant *Offices* to persons disabled to bear them by *positive and direct acts of Parliament* made for that very purpose, and declared to be for the *peoples security*; nevertheless the *King* hath put most of the *Officers of the Kingdom* in the hands of those that are so disabled.

It's as certain it never was in the power of our *Kings* to dispossess or take away any of the *Subjects* of those *interests and profits* which they had for their *lives*; nor to Commission any to judge his *Subjects* finally in *maters criminal or civil* by their *discretion* without any regard to the *Laws, Customs and privileges of the Realm*.

These & many other powers exerted by the *King*, which we might name to your *Hts.* are not the *edings of an English Legal Monarchy*: but an assumed *Despotic power* over the *persons, the Liberties and interests of the Subjects*, as if he alone had at least the *property paramount* in all their *persons and their interests*, which in all civil Governments belongs only to the *Lawful Legislators* and as if the *people of England* were tenants of his mere will to what they have and had no right nor interest in their *Laws, Customs or Franchises*, nor any justice to demand the benefit of them.

Nothing can compass his *Majesties* renunciation of the *Trusts and Obligation of the English Royal Office* save only that he assumes (as he now doth actually) to take from the *Sirys and Barons* lawfully all their *Customs and privileges and free Election of their Magistrates*, confirms to them expressly by the *great Charter*, and many other *Laws*; and that he deprives all the rest of the *people of their Liberty* to choose such *persons* as they please according to the *Statutes, or Consensus* for them to the *Laws* that shall bind them their *Estate and lives*; as he hath declared he will, and intends and is every day doing, and then the *ancient rightful and free English Government* will be manifestly and lastingly dissolved, and *Englishmen* shall have no *Legal rights or their Franchises, their Wives and Children, or their Lives*.

There will be then no *Legal English Monarchy* in *England*, trusted by the *Laws* with high *Royal prerogatives* for the *joynt safety and benefit of the King and the Subjects*, acknowledging themselves to be bound by an oath to maintain the *Customs Laws and Franchises of the Realm*, and to take continual care for the *Execution of the Laws impartially*; for that purpose *Every man* shall then have equal and common help to every thing which the *King* will and his *Popish forces* shall do to him and to long only, as the *King* please to determine in the same mind with the same force.

'Tis most bleeding hearts that is this manifest to extreme oppression and danger, we beg your Highnesses and to defend the rights of the *Crown and the Realm*.

There can be no question of the right to defend the same, the *Legal Monarchy and Government* by our *ancient Customs, Laws and Franchises*, to have the *ancient Penal Laws* against the *Royal Misprisions*, and the *latter Laws* for the *Reformation of our Religion* from *Popery*, and to

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preserve the special Customs, and Privileges of the Citys and Boroughs, as well as the General Customs of the Kingdom, our Customs and Laws only have vested in your His. the next right Expectant of the English Crown; (and if so Prince shall be born, *Regis etiam pmissum*) tho the King Shall do all that's possible for him to hinder you.

If you suffer them to be destroyed, or to be disused and deemed to be of no force but as the King shall please by his Judges and Courts; and by all that he shall possess of the power of the Kingdom, Your Highnesses clayme and rights Expectant of the Crown is in like manner destroyed and set aside side; and the whole arbitrary Magistracy serving his will, and all his popish forces, forrainers and Natives, will be engaged in Interest and misguided Conscience to oppole Your Highnesses claim; by the Laws and Customs of England there will be indeed in the state to which the King hath brought the Kingdom no legal Magistrates nor Government in being and use unto which her Royal Highness can immediately succeed according to the Customs and Laws of England, the Kingdom must be a Confused multitude, and the strongest may subdue the rest to their will.

As Your Highnesses have a right to save the government by reason of your great Interest in it, so all the People have an unquestionable right to seek Your Highnesses aid therein and 'tis one of their principal dutys of the Christian Religion, and will be one of the best outward Expressions of their love to God and *Jesus Christ*, to assist your His. in all your righteous ways; defending their just Civil Government, being instituted by God for preserving Justice amongst humane society.

The People that love their neighbours, and Countries, as Christian Religion Commands, ought not carelessly nor Irreligiously to suffer their Civil Government, their Laws, and all their rights and Interest that their Country hold by them for themselves and posterity to be destroyed by any mans will, superstition or ambition.

He that was at first a Legal Supream Magistrate, and ought to have been obeyed if he would have so Continued, tho he had done many Injustices to particular persons, he may cast off the quality and use of the powers of a legal supream Magistrate, and use and exercise power destructive to all the legal Trusts and Office; and then he divests himself of that Office and Trust of a lawful Magistracy, unto which the Laws of God and the Kingdom require obedience.

The ancient Kings of England, acknowledged the peoples right to save their Free Government if any of the Kings themselves would have dishonorably parted with the rights of the Crown and the Realm, we mention the Letter of H. 1. to the Pope, and that great Prince Ed. 1. on the like occasion of power claimed by the Pope; nor only writ to the Pope to the same Effect as H. 1. did, but by his consent Letters were written to Pope Boniface by the Lords and Commons in Parliament, wherein they told the Pope, that they were bound by oath to the observation and defence of their Liberty, Customs and ancient Laws; and would maintain them with all their power and force; and that they neither did, nor ever would, could or ought to suffer the King, tho he would, to do, or any ways attempt what the Pope desired Contrary to their Customs since it would be to the destruction of the Right of the Crown of England and the Kings dignity, and the subversion of the Statutes of the Kingdom, and prejudices of their ancient Liberties, Customs and Laws.

Since then your His. have an undoubted right to Interpose between the King and us in your own and the Kingdoms behalf, to save our ancient legal Government; and in special *Regis Parliament 28 Ed. 1. fit Cook* *instituti 2. foli 98.* our Laws for the reformation of our Christian Religion, we humbly offer, that besides the former demands about the supposed Prince your His. will please to demand and insist immovable.

That the ancient free Government of England by its own Customs and Laws only made, or approved in Parliament be immediately restored in the parts of it through the Kingdom, that is, that the rights of the Crown and freedom of the Realm be forthwith vindicated from all the submissions publicly made to the Pope by the King that bow us, to the dishonour and abatement of the English Crown, and Realm, and from all the clamours made by the Romish Church of any Powers and Jurisdiction whatsoever over the Christians, or Church in England.

That all the Laws now in force against the admission of the Cannons, and Jurisdiction of Rome Contrary to our Customs and Laws, and against the the malcontents of them be forthwith declared to be put in due Execution, and all suspensions of them, or dispensations with them without the Authority of Parliament, be declared null and void.

That the Ancient Customs, Liberties and privileges for the City of London, and the whole form and Course of its Government, be forthwith restored, the Customs thereof being part of the Common Law of England, and its Liberties be Established by the great Charter, and many Acts or Parliaments, that the Customs, free Election of their Magistrates and all the Privileges of all the Cities and Boroughs of England confirmed by the greater Charter, and other Laws be duly restored.

That legal Officers both Civil and Military, be settled in all the places of Magistracy, and all the Commands throughout the Kingdom.

That all Commissions whatsoever be forthwith revoked, and declared null and void whereby are granted any powers of Discretion over the Persons, or Interest of the subjects Contrary to the Laws and Customs of England, Especially the Commission for Ecclesiastical affairs, with its Monstrous, non obstante to all our Laws.

That the freedom of Elections, which is the foundation of the Government, be duly vindicated and all the most unworthy prelagagements revoked, and renounced to Elect and Vote as the King would have them.

That the Kingdom may be restored as soon as possible to a capacity of holding a legal Parliament, in such form and Manner as the Laws require, by whose help the Civil Government may be re-established, and force and arbitrary powers therein utterly abolished.

We crave your *Highness Pardon*, that we further humbly offer to your *Highnesses* that time and accident always made Changes in the usefulness of Laws, and that it hath so happened in our *Penal Laws* made for uniformity in the Profession of Faith, and in the outward Worship of God; four of our succeeding *Parliaments* perceived the abuse of these *Laws*, and the mischief thereby to Conscience Christians, and declared their Intention of relieving them if the King would have permitted them, yet they endeavoured to stop the Execution of them, and desired a settlement of Liberty of Conscience as is due to Christians.

In these regards, and the Subversion of the whole Government since made Necessity and charity many have the Force of Laws to enforce the stay of the Execution of some of those Laws for Conformity until those Matters may be settled in *Parliament*.

We therefore humbly pray Your Highnesses to procure as a case of necessity, that none be disturbed until a *Legal Parliament* shall have resolved the case for the profession of their faith in Matters merely supernatural, or the outward expression of their Worship as both terminate only in God, and neither wrong nor hurt any man on Earth in Body, Goods, and good name, but their own souls only if they be mistaken therein.

We now most humbly submit our selves and all herein contained to your *Highness wisdom, Candor and Charity*, and shall pray the just and great God to fill your noble Souls with *perfect love and wisdom*, & all the most resplendent virtues that are fit to Shine in the highest Thrones and power that ever the Sun beheld.

Sir, the Character we have had of your *worth*, makes us confident of your *faithfulness* to deliver the Inclosed forthwith to his Highness the *Prince of Orange*, or in his absence to her *Royal Highness the Princess*; we could not trust it by the post, and therefore have sent it by an express, which may perhaps make it longer in coming; the Messengers only order is to deliver it to one of your Servants, and we confide in your integrity, and remain

SIR. Your most humble Servants,
whom you may hereafter know.

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